

**FISCAL NOTE**  
**Requested by Legislative Council**  
**01/14/2015**

Bill/Resolution No.: HB 1209

- 1 A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2013-2015 Biennium		2015-2017 Biennium		2017-2019 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	\$0	\$0	\$0	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0	\$0	\$0	\$0
Appropriations	\$0	\$0	\$0	\$0	\$0	\$0

- 1 B. **County, city, school district and township fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

	2013-2015 Biennium	2015-2017 Biennium	2017-2019 Biennium
Counties	\$0	\$0	\$0
Cities	\$0	\$0	\$0
School Districts	\$0	\$0	\$0
Townships	\$0	\$0	\$0

- 2 A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

No fiscal impact noted. This bill changes from August 1st to the first day of the school calendar in the child's district of residence as to when a child may enroll in kindergarten and grade one.

- B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

No fiscal impact noted.

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

- A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

No fiscal impact noted.

- B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

No fiscal impact noted.

- C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation or a part of the appropriation is included in the executive budget or relates to a continuing appropriation.*

No fiscal impact noted.

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**Agency:** Department of Public Instruction

**Telephone:** 328-2755

**Date Prepared:** 01/16/2015

**2015 HOUSE EDUCATION**

**HB 1209**

# 2015 HOUSE STANDING COMMITTEE MINUTES

**Education Committee**  
Pioneer Room, State Capitol

HB 1209  
1/20/2015  
22197

- Subcommittee  
 Conference Committee

Committee Clerk Signature

*Donna Whetham*

## Explanation or reason for introduction of bill/resolution:

Relating to the age of admission to schools.

Attachment # 1-9

## Minutes:

**Chairman Nathe:** Opened the hearing on HB 1209.

**Representative Lawrence Klemin:** District 47. In support and introduced the HB 1209. Since 1979 there has been bills introduced to change the date of what age and what date kindergarten and first grade should start. Example of his child when starting school given. In 2009 a bill came up to start kindergarten and first grade on to change the date to start school to July 1, that didn't happen. It was set at Aug 1<sup>st</sup>, I don't know where they got this date, it seems it was a compromise from July 1<sup>st</sup> to Sept 1<sup>st</sup>, just some arbitrary date. I think the point of this is the child should be age 5 when he begins kindergarten in the school district they reside not some arbitrary date. The child should be a certain age when schools starts, this bill will give them a flexible date. People say some children are not ready to start school by that date. How do they know until the student has been in school for a while? There must be a better alternative than keeping an entire group of children out of school for an entire year across the whole state of North Dakota just because some children might not be ready for school. I think this provides an option that should be considered.

**Rep Olson:** Do you know if there has been any studies done on how well the different ages perform starting kindergarten comparing the different ages?

**Representative Klemin:** I am not aware of any studies. I think we talk about evidence based practices and I can't answer that question.

**Chairman Nathe:** Currently it is Aug 1 that a child of age 5 will start school, some are starting the 1<sup>st</sup> of Aug some are starting after labor day, so in some instances we are just talking a matter of days or a week between current law and what you are proposing here.

**Representative Klemin:** That is correct and in Bismarck we are talking a month difference.

**Chairman Nathe:** Wouldn't it be better for the parent if there was a certain date they start every year versus the changing dates. I think it would be advantageous for a parent to know my child has to be age 5 by Aug 1<sup>st</sup>. There would be some certainty there. How would this bill give them the certainty?

**Representative Klemin:** Parents know how old their children are . I don't think there will be a problem there.

**Chairman Nathe:** Any support for HB 1209?

**Mandy Dendy:** Mother of a kindergarten student. In support (9:00)-(22:55).(See Attachment #1).

**Rep Meier:** Was your daughter enrolled in a pre K program before she started Kindergarten?

**Mandy Dendy:** No she was not.

**Rep Ben Koppelman:** I believe what current law calls for by means of developmental and readiness screening approved by the superintendent of Public Instruction, and it goes on to say, if the child can demonstrate superior academic talents or abilities, do you think your situation in Bismarck defines what this explains or did they place an artificially high bar above what the law requires to allow early entry?

**Mandy Dendy:** I have done extensive research on what superior academic talents or abilities is, I have found it is up to each school board at what this entails. Department of Public Instruction does not define this. There is no prescribed process, it is up to each school board. Ohio does have a model policy that all the schools are encouraged to use in Ohio. That was the only state wide policy I found.

**Rep Ben Koppelman:** Do you think instead of saying superior academic talents, say demonstrates adequate academic skills would be better. The purpose is that they can learn in the same manner as their peers. So they are not behind academically or mentally. Do you think that better defines what you think it should say?

**Mandy Dendy:** The focus should not be the readiness exception, because the terms are not defined by the law and they had tried relaxing that language in 2009 and it was put back in in 2011 because of being petitioned by school boards. I would like to see happen

instead is just make it so all 5 year olds can enter kindergarten and they would not have to worry about the readiness bar.

**Rep Rohr:** I have received emails from Kindergarten teachers that expressed their concern about changing anything in this law because of maturity level, in your research did you find any laws in states that actually made it voluntary and left it up to parent to decide if their child is ready at 5 or 4?

**Mandy Mendy:** There are some states that allow age 4 in Kindergarten. What I want to remind everyone is North Dakota Kindergarten is not mandatory. By moving this date does not require the child to attend. It is important to remember the fact by leaving the date at August 1<sup>st</sup> they are preventing children from attending Kindergarten.

**Vice Chairman Schatz:** Does every school district have its own testing or is it a statewide test for admittance into Kindergarten?

**Mandy Mendy:** Schools are not required to have an early entrance test or policies at all, there is no recommended test. All the big schools do have policies that are fairly consistent. They do require an IQ of around 125 or 128.

**Vice Chairman Schatz:** Your research is very commendable. Can each district create their own test? Can one district have a lower bar than another? 95% sound very high to me for a passing score.

**Mandy Mendy:** As far as I know they can, but if they would not make the test rigorous enough to satisfy the academic talents or abilities, that they wouldn't be complying with the law as it is written.

**Chairman Nathe:** It seems you have more of a problem with the testing rather than the date? Have you talked to your school district about this?

**Mandy Mendy:** I have talked a lot with the school district. I attempted every possible avenue to get my daughter tested. I would disagree with your opinion of my testimony. I do very much have a problem with the superior academic language, but it is only because of the Aug 1 start date, if that was moved back to the first day of school and every child that turns 5 by that date can enter, I think it is a more appropriate standard.

**Chairman Nathe:** I feel you are frustrated with the testing, so the next avenue was to go ahead and propose the moving the date to Aug 1<sup>st</sup>.

**Mandy Mendy:** I think that would be correct, but I see the issue is, there is so much variation across the states, we should be more consistent with what other states are doing. I think we are trying to legislate childrens' maturity when the research does not support taking that approach.

**Rep Meier:** Was one of Bismarck's schools concerns about overcrowding?

**Mandy Mendy:** That was briefly discussed but not an overriding concern when they were looking at my daughters' situation. It all came back to the genius IQ, she didn't have the genius IQ, and that she did not reach the bar for early entrance. She was not looked at until a whole year later, and sat out the whole year of kindergarten and got early entry to first grade because there is a lower bar.

**Rep Meier:** One of the concerns of the committee is what if a student was started early and then that student had to be held back? How that may hamper their outlook toward education in the years to come?

**Mandy Mendy:** I would caution us to not hold back because of fear of failure. Some children do even better at a younger age than some others that are older. I do have other testimonies for people. (See Attachments # 2,3,4,5).

**Rep Rohr:** What is your background?

**Mandy Mendy:** I am reluctant admit I am a lawyer but I am now a stay at home mom.

**Chairman Nathe:** Any more support for HB 1209? Seeing none. Opposition?

**Aimee Copas:** Executive Director for the North Dakota Council of Educational Leaders. In opposition to HB 1209. (42:09)-(50:05) ( (See Attachment #6).

**Rep Kelsh:** I am surprised to hear that every school district can run their own readiness test, you made a recommendation to the superintendent of Department of Public Instruction, did you get a positive response? How did they feel it should be handled?

**Aimee Copas:** It lists on DPI's website there are 8-10 approved kindergarten readiness tests that can be used but the local school district. Where the local control comes in is they can state the level that the student has to reach to be ready. We want to have some strong recommendations from DPI to level out the playing field. That would also give parents a better indicator as well, as to where there students lie based on the states recommendation.

**Rep Kelsh:** You say the different scores, how wide a variation is there and why would there one school district having the bar so high and another lower possibly?

**Aimee Copas:** The variations are going to be selected by the local school board and superintendent. The various scores are because of various reasons. Mostly because the test is only part of the recommendation, they really do evaluate social and emotional maturity and readiness as a piece of that too.

**Rep Hunskor:** Could we have the test score requirements reduced without watering down the result and to have all schools have the same requirement?

**Aimee Copas:** We are expecting more of our children, so I am not sure we should water down the score but we should come agreed upon score that is relatively reasonable, and

another piece of that is the social and emotional intelligence, and how do we measure that accurately and fairly to give parents good data to make decisions with.

**Rep Hunskor:** That IQ level is just in the genius, it almost seems whatever level would be agreed would be appropriate for this day and age.

**Aimee Copas:** There are a variety of levels where we can test our kindergarten students, we should partner DPI to find out what is the best kindergarten readiness test. We have learned with research over time is all the tests are not all equal and not all are 100% accurate.

**Chairman Nathe:** Bring the focus back onto the bill which is the start date. Have your superintendents been hearing from parents wishing to move this date?

**Aimee Copas:** The louder cry is to keep it as it is from the elementary teachers.

**Rep Ben Koppelman:** Do you use this date if you have more preschool involved, like you must be age 4 before you start by Aug 1, because used to sound like we need them as young as we can get them, here it seems like it has been changed?

**Aimee Copas:** We talk about getting Pre-K as young as we can get them, with regard to the bill and the funding centers around age 4 because there is a fiscal note behind it and we need to be cognizant of that and showing that Pre-K matters to North Dakota students, but from our standpoint we realize Pre-K is extremely valuable to 3, 4, and 5 year olds.

**Rep Ben Koppelman:** Would you likely have a drop dead date of a month before school, what I heard you say you target 4 year olds, that would be adequate, this is a different approach I am trying to draw that parallel.

**Aimee Copas:** With regard to funding it is for age 4 with regard to allowing students in to Pre K that is not the case. Research indicates that sooner we get to kids and get invigoration of the brain the more neurons they grow in their brain. We advocate to leave the law the way it is and perhaps we can provide some better direction to parents and schools through the readiness piece.

**Rep Olson:** Back to Kindergarten and standards for early entrance, do you have any information how the school districts dealt with the influx of children from relaxing of standards in 2009?

**Aimee Copas:** There was such a various maturity levels in the classroom kindergarten teachers struggled with emotional levels and with getting the students to the standards. There is research that shows there is long term detriment to holding kids back, which can socially and emotionally hurt them for a long time. So we hesitate to do so.

**Rep Mock:** Is there anything this committee could do that would keep the date the same at Aug 1<sup>st</sup>, but that would compel action between school districts and superintendents to find that agreeable standard?

**Aimee Copas:** I think through legislative intent we would be eager to participate in such a move as would DPI. I think that would be a strong move in the right direction for our state.

**Rep Mock:** On Section 5 of the bill, we have been talking a lot about kindergarten, but it relates to Pre-K and adjusting that date, is there objection to this section of this bill?

**Aimee Copas:** I think that is worthy of conversation, I can't speak with authority on that.

**Rep Mock:** I am curious as well on Section 5.

**Fern Pokorny:** Uniserv Director for North Dakota United. In opposition to HB 1209 . (See Attachment #7) (1:05:00)-(1:09:30)

**Rep Looyen:** Has there already been positive effects or is there any data we have gathered on the students since the deadline is August 1, and if not or do you believe there will be? Will we see higher test scores?

**Fern Pokorny:** I only have the testimony from our kindergarten teacher who deal with this.

**Rep Mock:** Section 5 anything on early childhood education?

**Fern Pokorny:** That is worth taking a look at.

**Mark Vollmer:** Superintendent of Minot Public Schools. In opposition of HB 1209. (1:11:00)-(1:15:00) (See Attachment #8).

**Dr. Sherry Houdeck:** Director of Teacher and School Effectiveness with Department of Public Instruction, in opposition of HB 1209. (1:15:15- 1:16:59 ) (See Attachment #9).

**Rep Rohr:** If bill would pass would see parents roaming around looking for schools with a different start date?

**Dr. Houdeck:** You might see that in some areas, yes.

**Rep Schreiber Beck:** Is there any data since the prior change that you have from the DPI?

**Dr. Houdeck:** I would like to say yes, but that is what I would like to have but we do not have that.

**Vice Chairman Schatz:** What are the other states doing?

**Dr. Houdeck:** I would like to tell you what that is but I don't know.

**Chairman Nathe:** It is in Dr. Copas's handout, she had it in the back.

**Vice Chairman Schatz:** So what are they doing?

**Chairman Nathe:** Minnesota is age 5 on or before Sept 1, and school boards may adopt an early admissions policy, SD is at age five on or before Sept 1., Montana is age 5 on or before Sept. 10.

**Vice Chairman Schatz:** Sept 10<sup>th</sup>? OK.

**Chairman Nathe:** Any other opposition to HB 1209. Seeing none.

**Chairman Nathe:** closed the hearing on HB 1209.

**Chairman Nathe** : reopened the hearing on HB 1209

**Rep Zubke:** **Moved Do Not Pass on HB 1209.**

**Rep Rohr:** **Seconded.**

**Chairman Nathe** : Any discussion?

**Vice Chairman Schatz:** I would like to wait awhile because we got a lot of information from people.

**Chairman Nathe** : We have a motion for a Motion for a Do Not Pass, Rep Zubke would you like to explain your reasons.

**Rep Zubke:** I think the issue has been beaten to death through the past six years and I see the necessity of having a common date across the state. I understand the people's concerns but no matter where you set that date there will be always be students that it does not help. I do believe it is a testing issue and not the date.

**Rep Kelsh:** I am going to support this motion, but it is important to keep an eye on what DPI is doing on the readiness standards.

**Chairman Nathe:** I agree I think there needs to be more discussion with DPI on the readiness testing standards.

**Rep Hunskor:** So there is not time to do the research to come up with a level for entrance to kindergarten. We have a date and if we could come up with a level requirement that could go into this bill.

**Chairman Nathe:** I agree with Rep Zubke, and what stands out to me is there really is no movement out there to change this.

**Rep Meier:** This bill may not survive on the floor although we could certainly direct DPI to look at those readiness standards in another bill.

**Chairman Nathe** : Yes we should keep a look out for another bill to maybe insert that language, I would be in favor of that.

**Vice Chairman Schatz:** I am going to oppose the motion because of the readiness standards, we need some consistency.

**Rep Kelsh:** There is time to make a study resolution is we wanted to do it.

**Chairman Nathe:** Yes you may do that. And I would suggest you talk to DPI and get more background on that.

**Rep Schreiber Beck:** This bill should not pass, having worked with multitudes of children from 3-21 years of age, there is no magic date. I don't think changing the date will be the fix.

**Rep Olson:** I am going to support the Do Not Pass because of testimony of the superintendents and teachers around the state.

**Vice Chairman Schatz:** People get confused, when does my child get to go to school, and they think when school starts and he is 5 years old you can go and that makes sense. If you are 18 on the 5<sup>th</sup> of November you get to vote so, why are we going with an artificial date like August 1<sup>st</sup> instead of when the child is 5 by the school start date?

**Rep Kelsh:** The opposite of that is if you weren't 18 by the 5<sup>th</sup> of Nov you didn't vote.

**Chairman Nathe:** Any other discussion? Seeing none, we will have a roll call vote on the Do Not Pass motion.

**A Roll Call Vote was taken. Yes: 11 No: 1 Absent: 1**

**Motion carried.**

**Rep Schreiber Beck: will carry the HB 1209.**

Date: 11/20/15  
 Roll Call Vote #: 1

**2015 HOUSE STANDING COMMITTEE  
 ROLL CALL VOTES  
 BILL/RESOLUTION NO. 1209**

House Education Committee

Subcommittee

Amendment LC# or Description: \_\_\_\_\_

- Recommendation:  Adopt Amendment  
 Do Pass  Do Not Pass  Without Committee Recommendation  
 As Amended  Rerefer to Appropriations  
 Place on Consent Calendar  
 Other Actions:  Reconsider  \_\_\_\_\_

Motion Made By Rep. Zubke Seconded By Rep Rohr

Representatives	Yes	No	Representatives	Yes	No
Chairman Nathe	✓		Rep. Hunsakor	✓	
Vice Chairman Schatz	<del>✓</del>	✓	Rep. Kelsh	✓	
Rep. Dennis Johnson	✓		Rep. Mock	✓	
Rep. B. Koppelman	·A				
Rep. Looyesen	✓				
Rep. Meier	✓				
Rep. Olson	✓				
Rep. Rohr	✓				
Rep. Schreiber Beck	✓				
Rep. Zubke	✓				

Total (Yes) 11 No 1

Absent 1

Floor Assignment Rep Schreiber Beck

If the vote is on an amendment, briefly indicate intent:

**REPORT OF STANDING COMMITTEE**

**HB 1209: Education Committee (Rep. Nathe, Chairman) recommends DO NOT PASS**  
(11 YEAS, 1 NAYS, 1 ABSENT AND NOT VOTING). HB 1209 was placed on the  
Eleventh order on the calendar.

**2015 TESTIMONY**

**HB 1209**

#1 HB1209  
1/20/15

## Testimony in Favor of HB 1209

By Mandy Dendy – [mandy\\_dendy@hotmail.com](mailto:mandy_dendy@hotmail.com)

### Willow's Story

I am here today to urge a DO PASS on HB 1209 to change the kindergarten entrance eligibility date from August 1 to the first day of school because of the difference the current date cutoff made to my child. In 2009 the legislature moved the eligibility cutoff from September 1 to August 1. My daughter Willow's birthday is August 11, just 11 days past the deadline for eligibility. In spring of 2013 Willow was a bright young girl really excited to start school in the fall as a 5 year old. My husband and I knew she was ready. She was big for her age, mature, expressed herself clearly, had a very lengthy attention span and a fierce hunger to learn. But there was the problem of those 11 days. We pursued early entrance testing pursuant to the provision in the law stating that if the child could demonstrate superior academic talents or abilities, he or she could potentially enter kindergarten early. We quickly found out what superior academic talents or abilities meant to the Bismarck Public School district. From my research this appears to be a position shared by a majority of the big school districts across North Dakota. A four year old in Bismarck seeking early entrance to kindergarten is required to take an IQ test and score at the genius level before he or she will be considered at all for early entry. No genius IQ meant no discussion of readiness or any of the other wonderful things that made us confident in Willow's ability to enter kindergarten early. Under the Bismarck school district's application of North Dakota statutes, Willow was denied early entry because she is just really smart but not a genius. Even though her IQ of 116 put her at the 86<sup>th</sup> percentile of the population, it was not enough to get her into kindergarten 11 days early when she was 5 years old before school actually started. We had to explain to a girl who wanted nothing more than to go to school that she couldn't go yet and try to sidestep that the reason she wasn't able to pass the readiness test was because she wasn't quite a genius. So, even though Willow was 5 years old by the first day of school she was prevented from entering kindergarten with her peers because of an arbitrary age deadline and a not quite genius IQ score. Willow was very disappointed and lost her excitement for school for a while.

### **HB 1209 ensures all children who turn 5 by the start of school are given the opportunity to begin kindergarten.**

Age 5 is the typical uniform age for kindergarten entrance eligibility in states across the nation. The National Education Association states that to give children the best possible chance to benefit from kindergarten, five should be the uniform entrance age for kindergarten.<sup>1</sup> Yet, here in North Dakota, we've determined that age 5 is not good enough. North Dakota law requires children to be at least 5 years and approximately 1 month old to enter school. Why that extra month? Let's think of it in terms of other legal age requirements – 21 to drink, 16 for a driver's license and 18 to vote. The 26<sup>th</sup> Amendment to the United States Constitution establishes the right of citizens who are 18 years old or older to vote and states that the right to vote shall not be denied or abridged by anyone on account of age. In other words, as long as a citizen is 18 by the time she has a ballot in hand, she is allowed to cast that ballot regardless of when she turned 18. This bill does that for kindergarteners. Age 5 is the recommended uniform age of entrance to kindergarten. We are missing the mark by focusing on when exactly a child turns 5 rather than affording each child who has turned 5 prior to the start of school an opportunity to begin his or her education? House Bill 1209 allows for flexibility across the state by using a first day of school cutoff date and ensures that each

child who has turned 5 by the first day of school has the opportunity to walk into a kindergarten classroom with other 5 year olds.

**HB 1209 eliminates the educational disadvantages of being held back from school one year for those children who turn 5 by the start of school.**

Willow's experience highlights only one kind of child who has been negatively impacted by the August 1 kindergarten cutoff date. The 2009 legislative date change has also negatively impacted other children and will continue to do so until it is changed. Children, like Willow, who have advanced academic skills but not genius IQs are disadvantaged by the cutoff date because by the time they are allowed to enter kindergarten, they may be ready for first grade. Children who have the necessary skills to enter kindergarten but miss the cutoff date may not have access to adequate preschool or home education experiences to grow their learning during the year they are not allowed to attend. Last but definitely not least, children most at risk to enter school with lesser skills than other children or who may require school intervention have the greatest need of being admitted to school sooner than later. They can begin getting the necessary tools to succeed in school long term if they are allowed to enter school as young 5 year olds.

The 2014 North Dakota Early Care and Education Study found that North Dakota early childhood education options do not meet demand. It states that if the current level of access to these options continues, over 20,000 children may enter kindergarten over the next five years without any formal early learning experience.<sup>2</sup> Without an adequate pre-K system in place statewide now, North Dakota cannot afford to delay school for any of our children, especially those in the greatest need of beginning their educations.

Now that we know who is affected by the arbitrary August 1 kindergarten cutoff date, you may be thinking, what difference is changing it from August 1 to the first day of school really going to make? That's only 30 days, give or take. But to these children it is not just about 30 days, because of those 30 days these children will be forced to sit outside the locked school doors for an entire year, waiting to be let in and begin their educations.

**HB 1209 eliminates the need for children who turn 5 by the first day of school and want to enter kindergarten to demonstrate genius IQs.**

Children who appear to be capable of entering kindergarten early can just be tested and get in that way, right? Not so quick. North Dakota law currently requires children seeking early entry to demonstrate superior academic talents or abilities.<sup>3</sup> Many school districts statewide, including Bismarck, Mandan, Minot, and Fargo use this language to require a genius level IQ as part of their early entrance procedures.<sup>4</sup> The IQ level required in Bismarck is over the 95<sup>th</sup> percentile, which excludes all but a few elite applicants. Eager and able children who turn 5 between August 1 and the first day of school should not have to be geniuses to get into kindergarten with other 5 year olds.

**HB 1209 sets the kindergarten eligibility cutoff as the first day of school in a child's district each year and this approach makes the most sense for an arbitrary date.**

I've told you who has been affected by the legislative change and how they've been affected, but why was the eligibility date changed in 2009? Proponents of the 2009 legislation cited perceived lack of child

maturity and readiness of children with summer birthdays as the primary reason for moving the date to August 1 and excluding a group of students with summer birthdays from entering kindergarten each year. The summer birthday readiness argument is a myth and there is no long term empirical evidence to support it. **Research is clear that a child's age does not determine his or her readiness for school.** There is no magic date and children do not enter school either "ready" or "not ready". Entrance eligibility cutoff dates are arbitrary and should be set using logic rather than generalizations about the maturity of young five year olds. The National Association for the Education of Young Children's position on School Readiness states in no uncertain terms that raising kindergarten ages will not ensure more children are ready for kindergarten. The Association believes it "is the responsibility of schools to meet the needs of children as they enter school and to provide whatever services are needed to help each child reach his or her fullest potential".<sup>5</sup>

Long term studies of young children, before and after they enter school, show that the biggest factors as to a child's readiness are: 1) Family Income Level, 2) Parental Education Level, 3) Ethnicity, 4) Language<sup>6</sup> and 5) Preschool Experience<sup>2</sup>, not age. The National Institute of Child Health and Human Development Study of Early Child Care examined the effects of age of entry to kindergarten on children's functioning in early elementary school.<sup>7</sup> The study concluded that age at the start of school should not be regarded as a major determinant of children's school achievement. School cutoff dates of July and September were analyzed and there was no association between children's status as older or younger, relative to those dates, and their functioning in school. The study also showed no relationship between age and social functioning at the start of school or any relative increases in functioning over the first three years of school.

Aligning our kindergarten eligibility date with other states by making it the first day of school in a child's district makes it easier for children moving in and out of our state to start kindergarten in a timely manner. The vast majority of states have cutoffs on the last date of August or later. Currently there are 29 states which have eligibility cutoff dates in September, 4 with the cutoff date of August 31<sup>st</sup> and 3 with cutoff dates in October. In all, 36 states have cutoff dates after August 31<sup>st</sup>. The earliest date, at this time, is Hawaii with a July 31<sup>st</sup> cutoff date. Three other states in addition to North Dakota use a cutoff of August 1<sup>st</sup>.<sup>8</sup> North Dakota would not be the first state to push its entrance cutoff back from an earlier date. Alaska went from August 15 to September 1, Idaho moved its date from August 16 to September 1 and Missouri and Indiana switched from July 1 to August 1. All of those dates align more closely with the first day of school each fall and I encourage North Dakota to follow suit.<sup>9</sup>

### **Conclusion to Willow's Story**

In case you're wondering what happened to Willow, she was able to gain early entry to first grade using the exact same IQ score that prevented her from entering kindergarten early. Less than halfway through the school year she was already meeting many first grade end-of-year performance standards. It's unfortunate that by the time kindergarten opened its doors to Willow she was ready for first grade. I am here today because I know she's not alone. Arbitrarily turning away students who want to learn and are able to learn is a terrible waste of a precious resource. I appreciate the opportunity to be here today to share with you the effect of the August 1<sup>st</sup> kindergarten eligibility cutoff.

Vote DO PASS on HB 1209 to set the most logical kindergarten eligibility date - the first day of school. This bill gives every child who turns 5 by the first day of school the opportunity to begin his or her

educational journey. I think it's safe to say that we all want our children to have the best possible education and the best chances at success in their education. We can all do our part to support our teachers and schools in their efforts to be ready for our children as they try to light that spark of wonder. The first step is opening the school doors. Now you know what this bill will do and exactly who it affects. For those reasons, please vote DO PASS on HB 1209.

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<sup>1</sup> The NEA (National Education Association) on Prekindergarten and Kindergarten – June 2004  
[http://www.nea.org/assets/docs/HE/mf\\_prekkinder.pdf](http://www.nea.org/assets/docs/HE/mf_prekkinder.pdf)

<sup>2</sup> North Dakota Early Care and Early Education Study Executive Summary 2014 (Finding early education opportunities are critical for school readiness and later school success)  
[http://www.dpi.state.nd.us/EarlyChildhoodEduc/study/executive\\_summary.pdf](http://www.dpi.state.nd.us/EarlyChildhoodEduc/study/executive_summary.pdf)

<sup>3</sup> NDCC 15.1-22(6)(a) stating that “The child, by means of developmental and readiness screening instruments approved by the superintendent of public instruction and administered by the kindergarten operator, can demonstrate superior academic talents or abilities and social and emotional readiness”.  
<http://www.legis.nd.gov/cencode/t15-1c22.pdf?20150112142202>

<sup>4</sup> Bismarck Public Schools Early Entrance Administrative Rule JBBA-R (2013)  
<http://www.bismarck.k12.nd.us/uploads/resources/1024/rule-jbbar.pdf>, Mandan Public School District rule JBBA-R (2009) <http://www.mandan.k12.nd.us/schoolboard/policies/policyJ/include/pdf/JBBA-R-EARLY-ENTRANCE-REQUIREMENTS-TO-K-AND-GRADE-1.pdf>, Minot Early Entrance Policy 811.1 (2010)  
[http://www.minot.k12.nd.us/files/4RLTC\\_a18e55a39cb55eb43745a49013852ec4/ALL\\_POLICIES-MASTER.2014.09.FINAL.pdf](http://www.minot.k12.nd.us/files/4RLTC_a18e55a39cb55eb43745a49013852ec4/ALL_POLICIES-MASTER.2014.09.FINAL.pdf), Fargo Public Schools Early Entrance AP6210 (2014)  
<http://www.fargo.k12.nd.us/education/page/download.php?fileinfo=QVBfNjlxMF9FbnRyYW5jZV9BZ2UucGRmOj06L3d3dzYvc2Nob29scy9uZC9mYXJnby9pbWFnZXMvZG9jbWdyLzlwNF9maWxlIXzY3NI9tb2RfMTM5NTA3OTQ0Ny5wZGY=&sectiondetailid=25795>

<sup>5</sup> National Association for the Education of Young Children “Where We Stand on School Readiness” 2009.  
<https://www.naeyc.org/files/naeyc/file/positions/Readiness.pdf>

<sup>6</sup> Center on Enhancing Early Learning Outcomes – Access to High Quality Early Care and Education: Readiness and Education Gaps in America – CEELo and NIEER Policy Report – May 2014 [http://ceelo.org/wp-content/uploads/2014/05/ceelo\\_policy\\_report\\_access\\_quality\\_ece.pdf](http://ceelo.org/wp-content/uploads/2014/05/ceelo_policy_report_access_quality_ece.pdf)

<sup>7</sup> National Institute of Child Health and Human Development Early Child Care Research Network, *Age of Entry to Kindergarten and Children’s Academic Achievement and Socioemotional Development*, published in *Early Educ Dev.* 2007; 18(2):337-368. <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC2140009/pdf/nihms-32744.pdf> (studying over 900 children ages 54 months through 3<sup>rd</sup> grade to examine the effect of age of entry to kindergarten on children’s functioning in early elementary school)

<sup>8</sup> Education Commission of the States 50-State Analysis – Kindergarten Entrance Age – March 2014  
<http://ecs.force.com/mbdata/mbquestRT?rep=Kq1402>

<sup>9</sup> Education Commission of the States – Kindergarten Entrance Ages: A 30 Year Trend Analysis – March 2007  
[http://inpathways.net/kindergarten\\_trend\\_analyses.pdf](http://inpathways.net/kindergarten_trend_analyses.pdf)

706 Reeves Drive  
Grand Forks, ND 58201

# 2  
HB 1209  
1/20/14

January 20, 2015

North Dakota State Legislature  
House Education Committee

Dear Chairman Nathe and Members of the Education Committee:

We urge you to vote DO PASS on HB 1209 and submit this written testimony in support of proposed legislation changing the birthday cut-off date for public school entry. The current law prevents children from entering kindergarten unless they turn 5 by July 31<sup>st</sup> and prevents them from entering first grade unless they turn 6 by July 31<sup>st</sup>. We believe this law does a disservice to our state's children and should be changed.

We have two children born in August, so this issue has been one we have dealt with in our family. Our first child began school when the cut-off was still August 31<sup>st</sup>. She excels in school. We have never second-guessed her placement, despite her being among the very youngest in her class.

Only a few years later, when our second child approached the age of 5, the law had changed and he missed the cut-off by four days. As a result, he was not allowed to enroll in our neighborhood school, which is just down the street from our home, with his preschool friends. But we believed he was ready to start kindergarten and his preschool teachers, physicians, and others who knew him agreed. In addition to evaluating our child as an individual, we looked for research papers on the issue, to further inform our instincts.

Everything we found supported the idea that he should start kindergarten at the age of 5, rather than waiting until he turned 6 as state law required. To further our child's best interests, we were forced to enroll him in kindergarten at a private school, at substantial cost. After a year of private school, he was finally allowed to enroll in first grade at our local public school. We have no doubt that he started school at the right time for him. We know many parents who have made this same choice, after evaluating their children's individual readiness for school.

The current, rigidly-enforced cut-off disadvantages this state's families and children. Research does not support the trend of holding children back from school based on birth date. Although older children obtain higher test scores than their younger peers during the first few months of kindergarten, that advantage "soon fades and nearly vanishes by eighth grade." Referencing their paper "*Start Kindergarten Later?*", economists Darren Lubotsky and Todd Elder state further: "If it were true that older kids

are able to learn at a faster rate, then the differences in test scores should get bigger as kids progress and the material gets more difficult. But we really see the opposite.” Lubotsky and Elder conclude: “We do not find that the relationship between entrance age and outcomes reflects a heightened ability to learn or greater physical maturity among older children, the most common interpretations of the entrance age effect.” (Elder and Lubotsky, 2008)

A closer look at performance and age of entry into school has in fact caused researchers to conclude that any “positive relationship between kindergarten entrance age and school achievement primarily reflects skill accumulation prior to kindergarten, rather than a heightened ability to learn in school among older children.” Elder, Todd E., and Darren H. Lubotsky, “Kindergarten Entrance Age and Children’s Achievement: Impacts of State Policies, Family Background, and Peers.” *Journal of Human Resources* 44(3): 641–683 (2009).

Thus, delaying the start of schooling until children are older does not mean they will be able to learn more once they reach school. It only means they know more going in, particularly if they come from higher-income families. **Less socio-economically advantaged children do not tend to enjoy a similar rise in early test scores when school entrance is delayed, which causes a further increase in the gap between richer and poorer children overall.** An analysis by education policy experts Elizabeth Cascio and Diane Schanzenbach summarized the effects of classroom age disparities, concluding that delaying school entrance “contradicts years of research establishing the importance of starting school young.” The study notes further that earlier school entry has been connected to higher earnings, improved life outcomes, and more effective use of education dollars.

While the Cascio and Schanzenbach study found no significant advantage for the “average” child in delaying school entry, economically disadvantaged children who start school at a later age are less likely to take a college-entrance exam. Additional studies examining the effects of delayed school entry, including studies finding that children who are older than their classmates tend to have more behavior problems, were compiled in a report published by the Society for Research in Child Development (Stipek, 2002). As recommended in that report, “the focus should be more on making schools ready for children than on making children ready for school.”

Education economist (and long-time Boston school board member) Dr. Kevin Lang analyzed achievement test scores of same-age children, and found that children who begin school at a younger age score better than those who delayed, presumably because they have had more exposure to schooling. Lang and his colleague Rashmi Barua also found that children whose parents delayed their entry into school were more likely able to afford additional childcare costs, which clouds the issue of whether children do better in kindergarten testing because they are older, or because they come from socio-economically advantaged households (Barua and Lang, 2009).

Current methods for considering exceptions to the rule for kids who miss the cut-off are also problematic. These decisions are handled at the district level. Despite the widespread criticism of IQ testing as culturally, racially, and socio-economically biased,

many state school districts continue to use I.Q. testing as the primary standard for giftedness or readiness. Many individual children are ready to start the challenge of kindergarten at age five, but that doesn't mean that they are necessarily "gifted," as this word is defined in the fields of psychometrics or educational testing. It is not appropriate to require a five-year-old to have a significantly higher-than-average I.Q. just to start kindergarten. Nor should it be legal.

Prior legislative action on this issue agrees with these conclusions. The minutes of the 2009 Senate Education Committee indicate that Senators Flakoll and Bakke intended to improve the description of "appropriate readiness testing" when the cut-off date was changed from August 31 to July 31. Senator Bakke criticized the prior statutory language for setting out a "gifted child" standard. Senator Bakke thought limiting early entrance to gifted children wasn't appropriate, noting that some children be socially and emotionally ready to start kindergarten. She also asked how the change would be implemented, so that assessments for giftedness were abandoned and made consistent throughout the state. The five Senate Education Committee members approved the new language unanimously and recommended that it be passed along with the new cutoff date of July 31. Still, many districts (including our own) ignored the new language and continued to use I.Q. testing to prevent kids from entering school.

We believe that the average, well-adjusted 5-year-old belongs in kindergarten, and the average, well-adjusted 6-year-old belongs in first grade. The date should be adjusted to a date later than the current cut-off of July 31<sup>st</sup>, especially because school may not begin until September. Children who miss whatever cut-off is established should be allowed to demonstrate that they are indeed ready for school using sensible, flexible measures, particularly if they only miss the cut-off by a few weeks.

Children with birthdays near the cut-off will either be among the oldest or among the youngest in their class. The parents must have input into this decision, based on what they know about their individual children (Barua and Lang, 2009 — flexible waiver policy that gives children the choice to enter earlier than the legally established age could increase educational attainment, particularly among groups that have high dropout rates).

The legislature should carefully consider research showing that earlier school entry benefits children. Along with studies cited in this letter, we are referencing several other studies in support of this concept.

Sincerely,

Jon Jackson and Margaret Jackson

Research Papers:

Ackerman, Debra J. and W. Steven Barnett, "Prepared for Kindergarten: What Does "Readiness" Mean?," *National Institute for Early Education Research* (March 2005).

Barua, Rashmi and Kevin Lang, "School Entry, Educational Attainment and Quarter of Birth: A Cautionary Tale of LATE," <http://ssrn.com/abstract=1437617> (July 2009).

Black, Sandra, Paul J. Devereux, and Kjell G. Salvanes, *Too Young to Leave the Nest? The Effects of School Starting Age*," IZA DP No. 3452 (April 2008).

Cascio, Elizabeth, and Diane Schanzenbach, "First in the Class? Age and the Education Production Function," *Institute for the Study of Labor (IZA); National Bureau of Economic Research (NBER)* NBER Working Paper No. W13663, (December 2007).

Elder, Todd E., and Darren H. Lubotsky, "Kindergarten Entrance Age and Children's Achievement: Impacts of State Policies, Family Background, and Peers," *Journal of Human Resources* 44(3): 641–683 (June 2009).

Elder, Todd E., and Darren H. Lubotsky, "Start Kindergarten Later?," *The Science Teacher*, 75(7), (September 2008).

Stipek, Deborah, "At What Age Should Children Enter Kindergarten? A Question for Policy Makers and Parents," *Social Policy Report*, Vol. XIV, No. 2 (2002).

# 3  
HB 1209  
1/20/14

Blaine Joersz  
Brooklyn, NY 11215

January 19, 2015

Chairman Nathe and members of the Education Committee, my name is Blaine Joersz and I support HB 1209 as it ties the public school eligibility date for North Dakota's children to a logical start, namely the first day of the school calendar. With a birthday in early August, I would not have been eligible under the status quo to attend kindergarten when I was age 5. Fortunately, I was able to start attending public school in North Dakota with my peer age group, and excelled throughout the curriculum. I further went on to earn a bachelor's degree as a distinguished graduate from the United States Air Force Academy and a master's degree from Carnegie Mellon University with highest honors, and served the country as a fighter pilot. I am thankful my formal education was not delayed.

It is my hope that the children of North Dakota are allowed to begin their education at an appropriate peer age level, with eligibility dates defined as the first day of the school calendar.

Sincerely,

Blaine Joersz

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# 4  
HB 1209  
11/20/15

January 16, 2015

Chairman Nathe and Members of the Education Committee,

My name is Debra Stafford. I am currently a full-time mom of three children and am writing to request your support for HB 1209. I am strongly in favor of this bill's provisions whereby a child may be enrolled in kindergarten if they reach age five on or before the first day of school; and whereby a child may be enrolled in first grade if they reach age six on or before the first day of school.

If I could have chosen my children's birthdates I would have aimed for January and eliminated any decision making issues regarding kindergarten enrollment but as it was our three were born in May, July, and June.

Our middle child, Norah, has a mid-July birthday and is one of the youngest in her class. She did very well in kindergarten and continues to excel in first grade despite suggestions prior to enrollment that sending her at such a young age would pose a challenge for her. We felt based on Norah's skills and abilities and on our intuition as parents that we made the right decision to enroll. In retrospect I feel as though having not enrolled her would have likely been detrimental to her growth and confidence and thus far has been a good experience.

Our son, Slade, has an end of June birth date, and while he meets the current age requirement we are not electing to send him to kindergarten this fall. He is certainly no less bright than his two older sisters but perhaps a bit less mature emotionally and physically. We appreciate having the school system's faith in our decision-making as parents to make this choice.

Respectfully Yours,

Debra Stafford  
deb.stafford@yahoo.com or 701.226.4348

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### Kindergarten Entrance Age - March 2014

Kindergarten Entrance Age: The date by which a student must be five years old in order to attend kindergarten.

**Jul. 31** – Hawaii (effective 2014-15), Missouri, Nebraska, North Dakota

**Aug. 1** – Arkansas, Indiana

**Aug. 15** – Tennessee (effective 2014-15)

**Aug. 31** – Arizona, Delaware, Kansas, New Mexico, North Carolina, Washington

**Sept. 1** – Alabama, Alaska, California (effective 2014-15), Florida, Georgia, Idaho, Illinois, Maryland, Minnesota, Mississippi, Oklahoma, Oregon, Rhode Island, South Carolina, South Dakota, Texas, Utah, West Virginia, Wisconsin (**19 states**)

**Sept. 10** – Montana

**Sept. 15** – Iowa, Wyoming

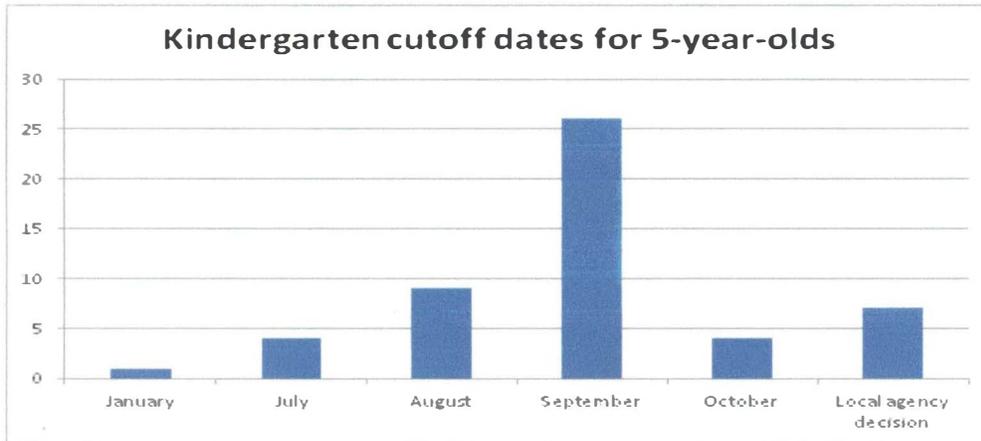
**Sept. 30** – District of Columbia, Louisiana, Nevada, Virginia

**Oct. 1** – Colorado, Kentucky (Aug. 1 in 2017-18), Michigan (effective 2014-2015)

**Oct. 15** – Maine

**Jan. 1 (of the school year)** – Connecticut

**Local education agencies decide** (the state may set a date range) – Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Vermont



	Kindergarten Entrance Age
Alabama	Age 5 on or before September 1
Alaska	Age 5 on or before September 1
Arizona	Age 5 before September 1
Arkansas	Age 5 on or before August 1
California	Age 5 on or before September 1 (eff. 2014-15)
Colorado	Age 5 on or before October 1
Connecticut	Age 5 on or before January 1 of the school year
Delaware	Age 5 on or before August 31
District of Columbia	Age 5 on or before September 30
Florida	Age 5 on or before September 1
Georgia	Age 5 by September 1

Hawaii	Age 5 on or before July 31 (eff. 2014-15)
Idaho	Age 5 on or before September 1
Illinois	Age 5 on or before September 1
Indiana	Age 5 on August 1
Iowa	Age 5 on or before September 15
Kansas	Age 5 on or before August 31
Kentucky	Age 5 by October 1 (current) Age 5 by August 1 (eff. 2017-18)
Louisiana	Age 5 on or before September 30
Maine	Age 5 on or before October 15
Maryland	Age 5 on or before September 1
Massachusetts	LEA: each school committee may establish its own minimum permissible age for school attendance.
Michigan	Age 5 by October 1 (2014-15) Age 5 by September 1 (eff. 2015-16)
Minnesota	Age 5 on or before September 1 *School boards may adopt an early admissions policy
Mississippi	Age 5 on or before September 1
Missouri	Age 5 before August 1
Montana	Age 5 on or before September 10
Nebraska	Age 5 on or before July 31
Nevada	Age 5 on or before September 30
New Hampshire	LEA decision
New Jersey	LEA: may admit children aged 4-5, must admit children aged 5-6. The cutoff date must be after October 1.
New Mexico	Age 5 before September 1
New York	LEA decision. Must be between the ages of 4 and 6
North Carolina	Age 5 on or before August 31
North Dakota	Age 5 before August 1
Ohio	LEA decision: Age 5 by August 1 or September 30th, or by the beginning of a school term (if it starts after September 30).
Oklahoma	Age 5 on or before September 1
Oregon	Age 5 on or before September 1
Pennsylvania	Local option: not less than 4 (for K-4) and not less than 5 (for K-5)
Rhode Island	Age 5 on or before September 1
South Carolina	Age 5 on or before September 1
South Dakota	Age 5 on or before September 1
Tennessee	Age 5 on or before August 15 (eff. 2014-2015)
Texas	Age 5 on or before September 1
Utah	Age 5 before September 2
Vermont	LEAs have the option to choose any date between August 31 and January 1.
Virginia	Age 5 on or before September 30
Washington	Age 5 by August 31
West Virginia	Age 5 by September 1
Wisconsin	Age 5 on or before September 1 Age 4 on or before September 1 for 4-year-old kindergarten
Wyoming	Age 5 on or before September 15

HB 1209  
# 6  
1/20/15

## HB 1209 RELATING TO THE AGE OF ADMISSION TO SCHOOLS

For the record, my name is Aimee Copas and I serve as the Executive Director for the ND Council of Educational Leaders.

NDCEL is opposed to HB1209 which would allow 5 year olds to start kindergarten and 6 year olds to start first grade, right up to the first day of school.

To give you a historical prospective on the language in current statute, in 2009, Rep. R Kelsch introduced HB 1378, which as introduced, moved the start date from September 1 to July 1. The bill was later amended to the August 1 deadline. The committee was told that a survey had been conducted as part of a Master's thesis class, surveying 200 kindergarten teachers with 103 responding, that felt that the birth date should be moved back. The reasons for moving the date were many and varied, but the resounding fact was that many young children are not socially or emotionally ready for fulltime kindergarten. All students should have the opportunity for a positive start in early education. A successful kindergarten year is one where the child feels comfortable, confident and excited. A good experience promotes a positive outlook on education that will carry on into a student's important transition years. Keeping the cut-off date of August 1, provides the critical extra months of maturity that some students need to have a successful start. Behaviors that are exhibited when students are not ready for school emotionally are crying, tantrums, acting out, social problems, giving up, disliking school, poor self-esteem, stomach-aches and headaches, social stigma.

We do acknowledge that each child develops and matures at different levels and different times and to provide a similar opportunity from community to community, we recommend that NDDPI led by our state superintendent work with a field to determine an agreeable kindergarten test score by which a student can prove their successful readiness for kindergarten and encourage school districts to adopt that agreed upon score for Kindergarten admission.

We are doing so many great things for education this session. Let's keep what is best for our students at the forefront and do not pass HB 1209.



Great Public Schools

Great Public Service

Testimony before the House Education Committee re: HB 1209

Fern Pokorny, North Dakota United

January 20, 2015

# 17  
HB 1209  
1/20/15

Good morning Mr. Chairman, Nathe, and members of the committee. My name is Fern Pokorny. I am a UniServ Director for North Dakota United when I am not lobbying for the association. Being a UniServ Director means I am in constant contact with our members. It is this voice I bring today to oppose HB 1209. The President and Past President of the Kindergarten Association of Teachers have asked me to convey their concern for changing the entrance date for Kindergarten in this bill. In 2009, the legislature dealt with another bill to change the entry date for kindergarten students. September 1<sup>st</sup> had been the cutoff date to be 5-years-old and the K teachers told you then students whose birthdays were in June, July and August were more likely to repeat the grade.

The original bill in 2009 had a July 1<sup>st</sup> cutoff date to align with the fiscal year of public schools. The Senate Education Committee amended July 1<sup>st</sup> to August 1<sup>st</sup> to ensure 4-year olds were not enrolling in school. Since the date change in 2009, K teachers report students with August birthdays are rarely held back. The August 1<sup>st</sup> cutoff date has worked well for the past 5 years.

It appears the entry date is not the problem but rather the interpretation of readiness and maybe the word, "superior" page 2 line 6. The child can enter Kindergarten if s/he can demonstrate "superior academic talents or abilities and social and emotional readiness." Each school district is allowed to set its own guidelines.

Parents often think of readiness differently than school districts. Parents appear to believe cognitive and academic skills are the most important factors while teachers view maturity/social/emotional readiness as their primary factors because these are the skills that are needed to be successful with academic achievement. One Kindergarten teacher stated, "Typically children who have summer birthdays are significantly less mature than their peers and often struggle academically in the classroom. I have taught Kindergarten for 11 years. The academic standards in Kindergarten are high and younger children often times struggle to achieve those standards." Another teacher said, "The current Kindergarten common core standards are very rigorous. Children need as much maturation time as possible to be ready for this learning."

When hearing about the date change to enter K, Amy Neal, former president of the Kindergarten Association, sent a survey to her members. Of 147 responses on January 16, of this year:

55% = Move the enrollment cutoff further back (ex. July 1<sup>st</sup>)

32% = Leave August 1<sup>st</sup> as enrollment cutoff

10% = Change the enrollment date to align with my district

3% = Either date is fine

As you can see the experts through their experience have found an entry date no later than August 1<sup>st</sup> works best for most students.

Please give this bill a "Do Not Pass" because the experts (the professionals who teach these students) and the school districts are better equipped to know which students are ready and the last five years have worked with the August 1<sup>st</sup> birthday.

# 8  
HB 1209  
1/20/15

January 19, 2015

TO: The Honorable Representative Mike Nathe and House Education Committee Members

FROM: Dr. Mark Vollmer, Superintendent, Minot Public Schools

RE: Oppose HB1209

Representative Nathe, and members of the House Education Committee, I thank you for the opportunity to visit with you today about HB1209 – a bill that would change the kindergarten enrollment cut-off date to align with the child’s first day of school in their district of residence. Currently, North Dakota Century Code 15.1-22-02 allows children to start kindergarten if they are five years old before August 1<sup>st</sup>.

The North Dakota State Legislature has discussed the age of kindergarten enrollment on multiple occasions. In 2009, the North Dakota State Legislature, via HB 1378, declared the cut-off date for kindergarten to be August 1.

A “floating” enrollment date, different school-by-school, causes a bit of concern. Under this model, a child might be eligible for kindergarten in District A, but not District B. Depending on school start times, a student might be eligible for kindergarten enrollment, but not eligible for enrollment in first grade the following year.

Enrollment dates vary, school by school. The spread of enrollment during the current school year is outstanding. Napoleon began their school year on August 14, 2014. Minot Public Schools began on August 27<sup>th</sup>. Bismarck and other schools began after Labor Day, which was September 2<sup>nd</sup>. I believe this will only cause confusion among our patrons. Parents will ask: Why can my sister’s child, who turned 5 on August 25<sup>th</sup> attend kindergarten in Minot, while my child, who turned 5 on August 15<sup>th</sup>, can’t attend kindergarten in Napoleon?

While arbitrary cut-off dates often meet with resistance, they are a necessary component of our society. The IRS has a cut-off date for filing federal taxes; colleges have cut-off dates for filing for housing, enrollment, and financial aid; and we have cut-off dates for kindergarten enrollment that have been discussed by this legislative body on multiple occasions.

The current law does allow for parents to apply for early entrance testing. I have attached the protocols for kindergarten early entrance in the Minot Public School District.

I have also attached testimony from Amy Neal, a kindergarten teacher who spoke to this committee in 2009. She maintains the August 1 deadline for kindergarten

enrollment is the right thing to do. I encourage you to take a look at her testimony.

In closing, a "floating" deadline for kindergarten will only cause confusion among parents throughout the state. The current cut-off date for kindergarten enrollment of August 1<sup>st</sup>, while not perfect in the eyes of everyone, is a date that has been debated, time and time again. Therefore, I encourage you to oppose HB 1209.

## Early Entrance Procedure

### Kindergarten

May automatically enter if five by August 1.

Early entrance candidates must turn five after August 1, but by midnight December 1.

Parent is interviewed by administrator. If it decided that the child will be evaluated, permission for evaluation is obtained (Evaluation Release Form).

Slosson is administered by L.D. teacher (125 cut-off).

If Slosson is above 125, Administrator notifies Souris Valley Special Services.

WPPSI is given by school psychologist (128 cut-off).

### First Grade

May automatically enter if six by August 1.

Early entrance candidate must turn six after August 1, but by midnight, December 1.

Parent is interviewed by administrator.

If it is decided that the child will be evaluated, permission for evaluation is obtained.(Evaluation Release Form).

Otis-Lennon is administered by Counselor (125 cut-off). Observation of behavior is noted at this time.

If Otis-Lennon is above 125, Administrator notifies Souris Valley Special Services.

WPPSI is given by school psychologist (128 cut-off).

January 20th, 2015

To: Honorable Representative Mike Nathe & House Education Committee

From: Amy Neal - Kindergarten Teacher, Minot

RE: Oppose HB1209

I am encouraging you to Oppose HB1209. The language of HB1209 would change the kindergarten enrollment cut-off date to align with the child's first day of school in their own district. Currently ND CC15.1-22-02 allows children to start kindergarten if they are five years old before August 1st (2009/HB1378).

I feel the current August 1st enrollment cut-off date should be looked at as a **BENEFIT** for children who are not socially/emotionally ready to be in an academic setting yet. Young August children are not asking to start school in an environment where they may not be able to keep up, it is typically their parents who feel they need to start. The current date **ALLOWS** young children to wait while allowing an early entrance assessment to be used if parents truly feel their child can handle the structured setting of an academic classroom. If you move the date forward towards the end of August, more children will arrive in the classroom that are not ready. It is almost impossible to talk parents into allowing their child to wait a year to mature when school has already started.

Since 2009 (HB1378) I had not retained any August students, until last year. I had a young August kindergartener transfer to my classroom from out of state. This student entered my classroom halfway through the year. He was noticeably behind with his fine motor development, work habits, and socially among peers. He was displaying skills that were not conducive to a positive and successful first grade experience. Ultimately, his parents and I decided to have him repeat kindergarten to develop these skills with time and maturity.

Please **OPPOSE** HB1209 and think of the current kindergarten enrollment cut-off date as a **BENEFIT** to children. I feel we are doing what is in the best interest for children.

Sincerely,

Amy L. Neal

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# 9  
HB 1209  
1/20/15

TESTIMONY on HB #1209  
HOUSE EDUCATION COMMITTEE

Tuesday, January 20, 2015

By: Dr. Sherry Houdek, Teacher & School Effectiveness Director

701-328-2755

Department of Public Instruction

Chairman Nathe and Members of the Committee:

My name is Sherry Houdek and I am the Director of Teacher and School Effectiveness with the Department of Public Instruction. I am here in opposition to HB 1209.

Section 1 one states, "The child may not enroll in grade one unless the child reaches the age of six before the first day of the school calendar in the child's district of enrollment." Using this date will cause confusion. Using this date will create different enrollment dates for children enrolling in school, from district to district, depending on when school starts in that district. For example, you may have two families, one in Thompson and one in Grand Forks, with both families living on the outskirts of the two towns. You might have a child, within each family, with the *same birthday of September 1*, the same age, but with different school start days - Thompson starts August 27<sup>th</sup> and Grand Forks starts September 3. The child in Thompson couldn't start school but the child who attends Grand Forks could. You can quickly see how this difference might create confusion and other issues for families and perhaps even school districts themselves.

Leaving this language unchanged will support school districts, families, and students. It keeps the law uniform across the state. The similar changes in section two through five will create parallel confusion and no change is recommended.

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Chairman Nathe, and Members of the Committee that concludes my prepared testimony  
and I will respond to any questions that you may have.