



Transforming Education in CA: 2021 Budget Act Investments and Opportunities Questions & Clarifications

Theme: Combining TK and K

Are we allowed to have TK students in the K classroom until the number of TK students allow for us to afford a TK teacher?

Response:

- Although the intent of the law is to provide separate and unique experiences for TK and kindergarten students, local education agencies (LEAs) have flexibility to determine how best to meet the curricular needs of each child.

More information in response to this question can be found at:

<https://www.cde.ca.gov/ci/gs/em/kinderfaq.asp#can-transitional-kindergarten-tk-and-kindergarten-students-be-enrolled-in-the-same-classroom>

- Districts that choose to offer TK/K combination classes should consider the composition of the students in the class. Planning for a combination class may include a fairly balanced representation of TK and K students. On the other hand, planning for a TK/K combination class that includes two or three TK students where the majority are traditional kindergarten students, will require a different approach to ensure that TK students are exposed to a modified kindergarten curriculum that is age and developmentally appropriate (Education Code Section 48000).
- <https://www.cde.ca.gov/ci/gs/em/documents/tkguide.pdf>

Can it be a TK/K? (Important for small schools)

Response: See above

Theme: Ratios and Class size

I am assuming that is not per day but per time period, as you could potentially have 24 in the AM and 24 in the PM—is that correct?

Response:

In 2022-23, TK classroom ratios cannot exceed 12 students (10:1 in the future, pending future legislative appropriation) for every one adult and average class sizes are limited to 24 students at each school site. Schools may run AM Transitional Kindergarten and PM Transitional kindergarten adhering to required adult to student ratios, class size, and instructional minutes requirements.

The minimum length of instructional time that must be offered to constitute a school day is 180 minutes (EC 46117 and 46201). By statute, the maximum school day in kindergarten is 4 hours (“part day”)(EC Section 46111). EC 8973 allows schools that have adopted an early primary program (extended-day kindergarten or “full day”) to exceed 4 hours. EC 48000 states that a TK shall not be construed as a new program or higher level service. In general, the number of required instructional minutes for TK is 36,000 minutes per year.

Additional Resource:

From CDE, “Universal Prekindergarten Planning and Implementation Grant Program – Planning Template,” pg. 10

Table: TK Eligibility, Ratio, and Class Size Requirements by Fiscal Year

Type of Requirement	2021–22	2022–23	2023–24	2024–25	2025–26
Eligibility	Turn five between September 2 and December 2; at district discretion, turn five between December 3 and the end of the school year	Turn five between September 2 and February 2; at district discretion, turn five between February 3 and the end of the school year	Turn five between September 2 and April 2; at district discretion, turn five between April 3 and the end of the school year	Turn five between September 2 and June 2; at district discretion, turn five between June 3 and the end of the school year	Turn four by September 1
Ratios	Not specified	1:12	1:10**	1:10**	1:10**
Class Size	24	24	24	24	24

* average class size across the school site

** Subject to future legislative appropriation

Full day early learning is not required but full day programming is required (early + expanded learning). See: CDE, “Universal Prekindergarten Planning and Implementation Grant Program – Planning Template,” pg. 11

Full-Day, Extended Learning and Care

State law does not require LEAs to operate a TK program that offers full-day early learning to all children the year before kindergarten; however LEAs must articulate how they plan to offer full-day, early learning programming to all students, and how they are partnering or plan to partner with other programs, such as those listed in the statute, to ensure that every child has access to extended learning and care that, combined, equates to a full-day of programming that meets the community's needs.

Additionally, starting in the 2022–23 school year, LEAs receiving ELO-P funding must offer nine hours of combined instructional time and expanded learning opportunities per instructional day to all unduplicated children enrolled in TK and at least 30 intersession days; however, LEAs are not required to exclusively use ELO-P funding to meet the requirement. LEAs can instead partner with Head Start, CSPP, ASES, or other community-based child care programs to fund and provide the additional extended learning and care hours needed to reach nine hours. (EC Section 46120). This would allow the LEA to use ELO-P funds to provide additional service hours or services for additional children.

Can 1 teacher teach am & pm or does it have to be 2 teachers?

Response:

EC Section 48000(g)(4) specifies 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 early childhood education, or childhood development, or both.
- b. As determined by the LEA employing the teacher, professional experience in a classroom setting with preschool age children that is comparable to the 24 units of education described in subparagraph (a).
- c. A Child Development Teacher Permit issued by the CTC.

LEAs have the discretion to work with local bargaining units to assign appropriate staff to its model of UPK and TK implementation.

Does the 12:1 ratio apply during lunch and recess time?

Response:

At the local school district's discretion, instructional minutes may be inclusive of recess as long as the students are under the immediate supervision and control of a certificated employee of the school district or county office of education and engaged in educational activities required of them (EC Section 46300(a)), pursuant to EC 46115 and 46117. "Noon intermissions" (otherwise known as lunch time) however may not be counted as instructional minutes pursuant to EC 46115. **More information in response to this question can be found at:**

<https://www.cde.ca.gov/ci/gs/em/kinderfaq.asp#when-calculating-instructional-minutes-for-the-transitional-kindergarten-tk-school-day-does-recess-count-does-any-part-of-lunch-count-if-teachers-have-to-escort-students-to-the-cafeteria-and-get-them-settled-updated-20-oct-2021>

Our district has a district Special Education preschool. Since it is not a state preschool, do we have to comply with the 8:1, age, and facilities requirements? The program serves 3- and 4-year-olds.

Response:

LEAs may co-mingle TK and California State Preschool classrooms. Programs must meet CSPP's 8:1 ratio, child evaluation, and facilities requirements.

If the district Special Education preschool has any requirements that are more stringent than the TK requirements, those requirements, along with all TK requirements, would need to be met in a co-mingled classroom.

Theme: Schedule and Duration

We have full day kindergarten; can we offer a shorter day for the TK group?

Response:

By statute, the maximum school day in kindergarten is four hours ("part day") (EC Section 46111). EC Section 8973 allows schools that have adopted an early primary program (extended-day kindergarten or "full day") to exceed four hours. EC Section 48000 states that a TK shall not be construed as a new program or higher-level service. In general, the number of required instructional minutes for TK is 36,000 minutes per year.

Can you remind us of what are the instructional minutes requirements for TK and K?

Response:

By statute, the maximum school day in kindergarten is four hours ("part day") (EC Section 46111). However, EC 8973 allows schools that have adopted an early primary program (extended-day kindergarten or "full day") to exceed four hours. Furthermore, EC 48000 states that a TK shall not be construed as a new program or higher-level service. In general, the number of required instructional minutes for TK is 36,000 minutes per year. The minimum length of instructional time that must be offered to constitute a school day is 180 minutes (EC 46117 and 46201).

More information in response to this question can be found at:

<https://www.cde.ca.gov/ci/gs/em/kinderfaq.asp#how-many-minutes-does-a-transitional-kindergarten-tk-program-have-to-offer>

Can you clarify the instructional minutes for TK and K - and the flexibility?

Response:

See above

Theme: Certification and Credentials

Experience in TK does not count for preschool experience?

Response:

- EC 48000(g)(4) specifies that teachers first assigned to teach TK after July 1, 2015, must 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:
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- At least 24 units in early childhood education, or childhood development, or both.
 - As determined by the LEA employing the teacher, professional experience in a classroom setting with preschool age children that is comparable to the 24 units of education described in subparagraph (a).
 - A Child Development Teacher Permit issued by the Commission on Teacher Credentialing.
- TK experience may count for preschool experience if determined by the LEA.

Do all staff that are helping with the new TK ratios need to be certificated?

Response:

All staff helping with the new TK ratios do not need to be certificated. However, it is encouraged that they have ECE experience or hold a Child Development Permit, etc.

Theme: Charter

How does UTK/UPK apply to charter schools that currently do not serve TK (per their charter petition)? Would this require a material revision to their charter petition? If so, by when would charter schools be required to serve TK? Another issue is facility space, is there facilities grant program available to charter schools?

Response:

- We are awaiting definitive legal guidance on this but, in general, LEAs must offer TK and kindergarten classes for all age-eligible children to attend. If an LEA provides kindergarten, they must also provide TK. TK is part of a two-year kindergarten sequence; therefore, when EC references kindergarten it is inclusive of TK. Facility requirements are the same as they are for kindergarten.
- From the webinar: Facilities funding opportunities for TK include \$477.7 million in one-time funds for full-day programs.
 - Grants awarded by the State Allocation Board (SAB). Round 1: \$225 million, March 2022, Round 2: \$252 million, March 2023. Requires local match based on type of project
 - New Construction or Retrofit Projects: Limited to four funded classrooms at 25 students each. Retrofit Base Grant—\$4,404 per student/\$110,100 per classroom, New Construction Base Grant—\$11,467 per student/\$286,675 per classroom
 - Can be reimbursed for projects with contracts executed after July 1, 2018

Can charter schools connected to the district qualify for these funds?

Response:

Charter schools will be receiving allocations the amounts of which are expected to be posted shortly by CDE

Theme: Age/Eligibility

Early Admission to UTK before the age cut-offs generates 1/2 of the ADA?

If a small rural school opts for the “accelerated” option that includes younger children, is it still just 1/2 ADA?

Response:

- School districts have flexibility to design TK programs that meet local needs, and as a result, they may develop policies for the implementation of TK in a variety of areas. Policy considerations might include age criteria for placement, early admissions, acceleration into first grade, and transportation.
- LEAs could also enroll eligible children in CSPP if possible, in a CSPP TK combo classroom so that the LEA could get CSPP funds for the student until transferring them to early admittance TK and earning ADA when they turn 5.
- Four-year-old children who will be enrolled in early admittance TK on their fifth birthday but who are not yet enrolled because their birthday does not fall in the range for which LEAs are fully funded to support TK. (Note: children whose birthdays fall outside of this range can be served in TK at LEA option from the beginning of the school year, but LEAs only generate average daily attendance after the child’s fifth birthday.)
- ***More information in response to this question can be found at:***
<https://www.cde.ca.gov/ci/gs/em/documents/tkguide.pdf>

Theme: ELO-P

How does an AM/PM option affect ELO-P requirements?

Does the school have to offer an AM ELO opportunity for students in the PM class?

Response:

- From webinar: Before or after school opportunities + instructional time = at least nine hours on school days. 20:1 student to adult ratio, 10:1 if program serves TK/K students
- EC Section 8281.5 requires LEAs to offer or partner in offering in-person before school or afterschool expanded learning opportunities that, when added to daily instructional minutes, are no fewer than nine hours of combined instructional time and expanded learning opportunities per instructional day. These may include partnerships with the LEA’s expanding learning offerings, the After School Education and Safety Program, the California state preschool program, Head Start programs, and other community-based early learning and care programs

Theme: Other

Could you please share the link for the DOF projections?

Response:

Projections can be found at: <https://www.dof.ca.gov/Forecasting/Demographics/Projections/>

What curriculum will TK be using? Will it be the updated CA Preschool Foundations?

Response:

- California law (*EC 48000*) defines TK as “the first year of a two-year kindergarten program that uses a modified kindergarten curriculum that is age and developmentally appropriate.” While no state curriculum is mandated, pursuant to *EC 48000(f)*, TK programs are intended to be aligned to the [California Preschool Learning Foundations](#) developed by the CDE.
- It is critical for each LEA and preschool program partner to plan for how they will develop or select curriculum/curricula that are developmentally-informed and aligned with the strengths of all students, including multilingual students and students with disabilities, as well as how they will ensure curricula are implemented with fidelity to support intentional quality instruction for all students. LEAs and preschool program partners should consider how they will provide a coherent, culturally, and linguistically responsive UPK curriculum/curricula anchored in the Preschool Learning Foundations and the Preschool Curriculum Frameworks to support the development of skills across the domains outlined in those documents.
- The budget includes \$10 million to update the California Preschool Learning Foundations to ensure alignment for UPK.

Also, when are the Foundations expected to be updated (is there a projected date)?

Response:

The updates of the California Preschool Learning Foundations will incorporate recent research in the field, including best practices to support dual language learners (DLL), reduce racial bias, and better support the inclusion of children with disabilities. The California Department of Education (CDE) will engage with teachers, child development researchers, and constituency groups as primary sources of input into the review and development of the updated California Preschool Learning Foundations. Additionally, the CDE will be updating the California Preschool Learning Foundations to extend its curriculum frameworks up through second grade, which aligns with CDE’s Preschool through Third Grade (P-3) Alignment Initiative. The P-3 Alignment Initiative seeks to elevate the importance of alignment and coherence across grades and systems and support improved coordination of policies and practices in and across early childhood

More information in response to this question can be found at:

<https://www.cde.ca.gov/ci/gs/em/kinderfaq.asp#as-part-of-universal-prekindergarten-upk-expansion-how-are-the-california-preschool-learning-foundations-being-updated>