

AMENDED IN ASSEMBLY JANUARY 8, 2008

AMENDED IN ASSEMBLY APRIL 18, 2007

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1236**

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**Introduced by Assembly Member Mullin**

February 23, 2007

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An act to amend Sections ~~14022.3, 41600, 46117, 46300, 48000, 48200 and 52122~~ of, to amend and repeal Section 48010 of, to add Section 46201.2 to, and to repeal and add Article 1.5 (commencing with Section 48005.10) of Chapter 1 of Part 27 of Division 4 of Title 2 of, the Education Code, relating to compulsory school attendance: ~~46300, 48000, 48010, and 48011~~ of, to add Section 96 to, and to repeal, add, and repeal Article 1.5 (commencing with Section 48005.10) to Chapter 1 of Part 27 of Division 4 of Title 2 of, the Education Code, relating to kindergarten.

LEGISLATIVE COUNSEL'S DIGEST

AB 1236, as amended, Mullin. ~~Compulsory school attendance: kindergarten readiness program. Kindergarten year 1 and kindergarten year 2 pilot program.~~

*Existing law, operative until July 1, 2013, establishes the Kindergarten Readiness Pilot Program administered by the Superintendent of Public Instruction who shall allocate a grant of funds to a participating school district for each year of participation to cover the costs of developing and operating the school district kindergarten readiness program. Existing law requires participating school districts to offer enrollment in a kindergarten readiness program to eligible children in order to receive funding pursuant to this program.*

*This bill would repeal these provisions.*

*This bill would make findings and declarations regarding kindergarten education. Commencing with the 2010–11 school year, school districts identified by the Superintendent of Public Instruction would be permitted to establish a kindergarten year 1 and kindergarten year 2 pilot program, assess a child prior to enrollment in kindergarten, and, in consultation with parents and guardians, place a child in kindergarten year 1, a transitional kindergarten class, or kindergarten year 2, a traditional kindergarten class. A school district also, in consultation with parents and guardians, would be authorized to transfer a pupil from kindergarten year 1 to kindergarten year 2, or from kindergarten year 2 to kindergarten year 1, during the school year, and upon completion of kindergarten year 1, to place a pupil in kindergarten year 2 or grade 1, if it determines that the pupil is ready for grade 1 work, as specified. In the 2009–10 school year, the State Department of Education would be required to develop and make available to school districts kindergarten year 1 teaching practices, as specified. The Superintendent also would be required to submit an evaluation of the program’s impact on pupil achievement and ability to close the achievement gap on or before January 1, 2016. This bill would provide that these provisions would remain in effect until January 1, 2017. This bill would make other conforming changes.*

~~(1) Existing law requires a child to be admitted to kindergarten if the child will have his or her 5th birthday on or before December 2.~~

~~This bill would, commencing on July 1, 2011, change from December 2 to September 1 the date by which a child is required to have a 5th birthdate for admission to kindergarten.~~

~~(2) Existing law establishes the kindergarten readiness pilot program, to be implemented in the 2006–07 school year, and requires a participating school district to offer admission to 1st grade at the beginning of the school year, or at a later time in the same school year, only to children who will have their 6th birthday on or before September 1 of that school year. Under existing law, these provisions become inoperative on July 1, 2013, and are repealed as of January 1, 2014.~~

~~This bill would repeal the kindergarten readiness pilot program and would establish instead the kindergarten readiness program to be implemented commencing with the 2011–12 fiscal year. The Superintendent would be required to establish regulations necessary to implement the kindergarten readiness program, as specified. Participating county offices of education and school districts would be~~

~~allocated funds for purposes of making kindergarten readiness classes available to all children on a voluntary basis.~~

~~The bill would require the Commission on Teacher Credentialing, in collaboration with the Superintendent, California public colleges and universities to develop an early learning credential. Kindergarten readiness teachers and associate teachers would be required to satisfy certain educational and credential requirements that would be phased in.~~

~~The bill would make a kindergarten readiness program eligible for school facilities funding and would authorize funds made available to public schools for joint uses to be used for a kindergarten readiness program.~~

~~The bill would require the State Department of Education to establish and maintain an evaluation system that, among other things, ensures the privacy of children, assesses children's progress, and measures the statewide effectiveness of the program.~~

~~The bill would make conforming changes in provisions regarding the minimum schoolday, the number of required instructional minutes per year, computation of average daily attendance, and the class size reduction program.~~

~~(3) Existing law requires a school district to admit a child to the first grade of an elementary school during the first month of a school year if the child will have his or her 6th birthday on or before December 2 of that school year and authorizes the governing board of a school district to permit a child of proper age to be admitted to a class after the first school month of a school term.~~

~~This bill would make the provisions described above inoperative on July 1, 2011, and would repeal them on January 2012.~~

~~(3) Existing law requires a person between the ages of 6 and 18 years who is subject to compulsory full-time education to attend public school in which the residency of either the parent or legal guardian is located.~~

~~This bill would make a person who is 5 years of age subject to compulsory full-time education commencing on July 1, 2010 and would deem kindergarten attendance to be full-time education.~~

~~By subjecting children who are 5 years of age to compulsory education and violators of this requirement to criminal sanctions, the bill would impose state-mandated local programs.~~

~~(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.~~

~~With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

- 1     SECTION 1. *The Legislature hereby finds and declares all of*
- 2     *the following:*
- 3     (a) *The state has rigorous academic content standards for*
- 4     *kindergarten. The kindergarten content standards define the*
- 5     *knowledge, concepts, and skills that a pupil acquires at that grade*
- 6     *level. These content standards were designed to encourage the*
- 7     *highest achievement of every child.*
- 8     (b) *Four states, California, Connecticut, Michigan, and*
- 9     *Vermont, have cutoff dates for admission to kindergarten between*
- 10    *December 1 and January 1. California’s late cutoff date permits*
- 11    *children to enter traditional kindergarten as early as four years*
- 12    *and nine months of age, or younger in year-round schools.*
- 13    (c) *An understanding of the developmental needs of a pupil*
- 14    *including social, emotional, motor and intellectual maturity is*
- 15    *fundamental to the success of a pupil’s achievement in school.*
- 16    (d) *By providing a two-year kindergarten experience for children*
- 17    *needing additional assistance and creating a program that meets*
- 18    *the educational needs of young children using research-based,*
- 19    *developmentally appropriate practices that are both pupil centered*
- 20    *and teacher directed and aligned with kindergarten standards,*
- 21    *California’s children will be better prepared to enter into the*
- 22    *academic environment that is required by the kindergarten and*
- 23    *elementary education curriculum.*
- 24    (e) *Research shows that four-year-old children are better*
- 25    *prepared for success in kindergarten and beyond when they have*
- 26    *attended a program with a rich curriculum across all domains of*
- 27    *early learning and development and small group sizes. A two-year*
- 28    *kindergarten program will be an innovative and efficient program*

1 *that will enable children to be more school ready and narrow*  
2 *California’s achievement gap.*

3 *(f) The 2007 Rand “California Preschool Study” found that the*  
4 *achievement gap that exists in grades 2 and 3 exists in kindergarten*  
5 *and grade 1, with the largest gaps for black and Hispanic children,*  
6 *English learners, those from low socioeconomic backgrounds, and*  
7 *pupils whose parents have less than a high school education.*  
8 *Researchers estimate that one-half of the test score gap at grade*  
9 *12 is attributable to gaps that exist when children enter school*  
10 *and that at least one-half, and probably more, of that gap could*  
11 *be eliminated by improving access of children to high-quality early*  
12 *education programs.*

13 *SEC. 2. It is the intent of the Legislature to:*

14 *(a) Establish a pilot program to evaluate the benefits of a*  
15 *two-year kindergarten program, especially for younger children*  
16 *born between September 1 and December 2, by establishing a*  
17 *kindergarten year 1 and kindergarten year 2 program.*  
18 *Kindergarten year 1 shall serve as a transition to kindergarten*  
19 *year 2, a traditional kindergarten class.*

20 *(b) Provide school districts and parents the option of placing*  
21 *a child who is eligible for kindergarten in either kindergarten year*  
22 *1 or kindergarten year 2.*

23 *(c) Prioritize, but not limit, enrollment in kindergarten year 1*  
24 *for children born between September 1 and December 2.*

25 *SEC. 3. Section 96 is added to the Education Code, to read:*

26 *96. “Kindergarten” includes the kindergarten year 1 and*  
27 *kindergarten year 2 pilot program authorized in Article 1.5*  
28 *(commencing with Section 48005.20) of Chapter 1 of Part 27 of*  
29 *Division 4 of Title 2.*

30 *SEC. 4. Section 46300 of the Education Code is amended to*  
31 *read:*

32 *46300. (a) In computing average daily attendance of a school*  
33 *district or county office of education, there shall be included the*  
34 *attendance of pupils while engaged in educational activities*  
35 *required of those pupils and under the immediate supervision and*  
36 *control of an employee of the district or county office who*  
37 *possessed a valid certification document, registered as required*  
38 *by law.*

39 *(b) (1) For the purposes of a work experience education*  
40 *program in a secondary school that meets the standards of the*

1 California State Plan for Vocational Education, “immediate  
2 supervision,” in the context of off-campus work training stations,  
3 means pupil participation in on-the-job training as outlined under  
4 a training agreement, coordinated by the school district under a  
5 state-approved plan, wherein the employer and certificated school  
6 personnel share the responsibility for on-the-job supervision.

7 (2) The pupil-teacher ratio in a work experience program shall  
8 not exceed 125 pupils per full-time equivalent certificated teacher  
9 coordinator. ~~Notwithstanding Section 52033, this~~ *This* ratio may  
10 be waived by the State Board of Education pursuant to Article 3  
11 (commencing with Section 33050) of Chapter 1 of Part 20 under  
12 criteria developed by the ~~State Board of Education~~ *state board*.

13 (3) A pupil enrolled in a work experience program shall not be  
14 credited with more than one day of attendance per calendar day,  
15 and shall be a full-time pupil enrolled in regular classes that meet  
16 the requirements of Section 46141 or 46144.

17 (c) (1) For purposes of the rehabilitative schools, classes, or  
18 programs described in Section 48917 that require immediate  
19 supervision, “immediate supervision” means that the person to  
20 whom the pupil is required to report for training, counseling,  
21 tutoring, or other prescribed activity shares the responsibility for  
22 the supervision of the pupils in the rehabilitative activities with  
23 certificated personnel of the district.

24 (2) A pupil enrolled in a rehabilitative school, class, or program  
25 shall not be credited with more than one day of attendance per  
26 calendar day.

27 (d) (1) For ~~the~~ purposes of computing the average daily  
28 attendance of pupils engaged in the educational activities required  
29 of high school pupils who ~~are~~ also *are* enrolled in a regional  
30 occupational center or regional occupational program, the school  
31 district shall receive proportional average daily attendance credit  
32 for those educational activities that are less than the minimum  
33 schoolday, pursuant to regulations adopted by the ~~State Board of~~  
34 ~~Education~~ *state board*; however, none of that attendance shall be  
35 counted for purposes of computing attendance pursuant to Section  
36 52324.

37 (2) A school district shall not receive proportional average daily  
38 attendance credit pursuant to this subdivision for ~~any~~ *a* pupil *who*  
39 *is* in attendance for less than 145 minutes each day.

1 (3) The divisor for computing proportional average daily  
2 attendance pursuant to this subdivision is 240, except that, in the  
3 case of a pupil excused from physical education classes pursuant  
4 to Section 52316, the divisor is 180.

5 (4) Notwithstanding any other provision of law, travel time of  
6 pupils to attend a regional occupational center or regional  
7 occupational program shall not be used in any manner in the  
8 computation of average daily attendance.

9 (e) (1) In computing the average daily attendance of a school  
10 district, there ~~shall~~ also *shall* be included the attendance of pupils  
11 participating in independent study conducted pursuant to Article  
12 5.5 (commencing with Section 51745) of Chapter 5 of Part 28 for  
13 five or more consecutive schooldays.

14 (2) A pupil participating in independent study shall not be  
15 credited with more than one day of attendance per calendar day.

16 (f) For purposes of cooperative-~~vocational~~ *career technical*  
17 education programs and community classrooms described in  
18 Section 52372.1, “immediate supervision” means pupil  
19 participation in paid and unpaid on-the-job experiences, as outlined  
20 under a training agreement and individualized training plans  
21 wherein the supervisor of the training site and certificated school  
22 personnel share the responsibility for the supervision of on-the-job  
23 experiences.

24 (g) In computing the average daily attendance of a school  
25 district, there shall be included the attendance of pupils in  
26 kindergarten after they have completed one school year in  
27 kindergarten only if the school district has on file for each of those  
28 pupils an agreement made pursuant to Section 48011, approved  
29 in form and content by the State Department of Education and  
30 signed by the pupil’s parent or guardian, that the pupil may  
31 continue in kindergarten for not more than an additional school  
32 year.

33 (h) *Commencing on July 1, 2010, school districts participating*  
34 *in the pilot two-year kindergarten program pursuant to Article 1.5*  
35 *(commencing with Section 48005.20) of Chapter 1 of Part 27 of*  
36 *Division 4 of Title 2 may include the attendance of pupils in*  
37 *kindergarten year 1 and pupils in kindergarten year 2 in computing*  
38 *the average daily attendance of the school district.*

39 *SEC. 5. Section 48000 of the Education Code is amended to*  
40 *read:*

1 48000. (a) A child shall be admitted to a kindergarten at the  
 2 beginning of a school year, or at any later time in the same year if  
 3 the child will have his or her fifth birthday on or before December  
 4 2 of that school year.

5 A child who will have his or her fifth birthday on or before  
 6 December 2 may be admitted to the prekindergarten summer  
 7 program maintained by the school district for pupils who will be  
 8 enrolling in kindergarten in September.

9 (b) The governing board of ~~any~~ a school district maintaining  
 10 one or more kindergartens ~~may~~, on a case-by-case basis, *and in*  
 11 *consultation with parents and guardians may*, admit to a  
 12 kindergarten, *or to a kindergarten year 1 or a kindergarten year*  
 13 *2 program as authorized in Article 1.5 (commencing with Section*  
 14 *48005.20) of Chapter 1 of Part 27 of Division 4 of Title 2*, a child  
 15 having attained the age of five years at any time during the school  
 16 year ~~with the approval of the parent or guardian~~, subject to the  
 17 following conditions:

18 (1) The governing board determines that the admittance is in  
 19 the best interests of the child.

20 (2) The parent or guardian is given information regarding the  
 21 advantages ~~and disadvantages and any other explanatory~~  
 22 ~~information about the effect of this early admittance of a two-year~~  
 23 ~~kindergarten experience.~~

24 *SEC. 6. Article 1.5 (commencing with Section 48005.10) of*  
 25 *Chapter 1 of Part 27 of Division 4 of Title 2 of the Education Code*  
 26 *is repealed.*

27 *SEC. 7. Article 1.5 (commencing with Section 48005.10) is*  
 28 *added to Chapter 1 of Part 27 of Division 4 of Title 2 of the*  
 29 *Education Code, to read:*

30  
 31 *Article 1.5. Kindergarten Year 1 and Kindergarten Year 2 Pilot*  
 32 *Program*  
 33

34 *48005.10. (a) Notwithstanding any other provision of law,*  
 35 *commencing with the 2010–11 fiscal year, school districts selected*  
 36 *by the Superintendent of Public Instruction pursuant to Section*  
 37 *48005.11 may establish a kindergarten year 1 and kindergarten*  
 38 *year 2 pilot program for children eligible for kindergarten.*

1 (b) Kindergarten year 1 shall be a transitional kindergarten  
2 class and shall not operate identically to the regular kindergarten  
3 class, known as kindergarten year 2 in the program.

4 (c) School districts may assess a child prior to enrollment in  
5 kindergarten and in consultation with parents and guardians,  
6 place a child in kindergarten year 1 or kindergarten year 2.

7 (d) Enrollment in kindergarten year 1 shall prioritize children  
8 who turn five years of age between September 1 and December 2.  
9 However, school districts may enroll a child who is eligible for  
10 kindergarten in kindergarten year 1, in consultation with parents  
11 and guardians, if they determine that it is in the best interest of  
12 the child to attend two years of kindergarten.

13 (e) A school district, during the school year, may transfer a  
14 pupil from kindergarten year 1 to kindergarten year 2, or from  
15 kindergarten year 2 to kindergarten year 1, based on the progress  
16 and the needs of the pupil, and in consultation with parents and  
17 guardians.

18 (f) Upon completing kindergarten year 1, the school district  
19 may place a pupil in kindergarten year 2 or grade 1, if the school  
20 district, in consultation with parents and guardians, determines  
21 that the pupil is ready for grade 1 work.

22 (g) In the 2009–10 school year, the department shall develop  
23 and make available to school districts research-based, age and  
24 developmentally appropriate kindergarten year 1 teaching  
25 practices that are both pupil centered and teacher directed, meet  
26 the instructional needs of the whole pupil, and are aligned with  
27 kindergarten and elementary education standards.

28 48005.11. On or before January 1, 2009, the Superintendent  
29 of Public Instruction shall select two urban, two rural, and two  
30 suburban school districts interested in participating in the pilot  
31 program described in this article. Priority for selection shall be  
32 granted to school districts with a high number of English language  
33 learners, pupils who are eligible for free and reduced-price lunch,  
34 and schools ranked in deciles 1 to 3, inclusive, on the Academic  
35 Performance Index (API), based on the 2008 base API score.

36 48005.12. The Superintendent shall evaluate the program  
37 regarding its impact on pupil achievement and ability to close the  
38 achievement gap. The evaluation shall be submitted to the  
39 Legislature on or before January 1, 2016.

1     48005.13. *This article shall remain in effect only until January*  
2 *1, 2017, and as of that date is repealed, unless a later enacted*  
3 *statute, that is enacted before January 1, 2017, deletes or extends*  
4 *that date.*

5     SEC. 8. *Section 48010 of the Education Code is amended to*  
6 *read:*

7     48010. A child shall be admitted to ~~the first grade~~ of an  
8 elementary school during the first month of a school year if the  
9 child will have his or her sixth birthday on or before December  
10 2nd of that school year. For good cause, the governing board of a  
11 school district may permit a child of proper age to be admitted to  
12 a class after the first school month of the school term.

13     SEC. 9. *Section 48011 of the Education Code is amended to*  
14 *read:*

15     48011. A child who, ~~consistent with Section 48000, has been~~  
16 ~~admitted to the kindergarten maintained by a private or a public~~  
17 ~~school in California or any other state, and who has completed one~~  
18 ~~school year therein, shall be admitted to the first grade of an~~  
19 ~~elementary school unless the parent or guardian of the child and~~  
20 ~~the school district agree that the child may continue in kindergarten~~  
21 ~~for not more than an additional school year.~~

22     ~~A child who~~ has been lawfully admitted to a public school  
23 kindergarten or a private school kindergarten in California and  
24 who is judged by the administration of the school district, in  
25 accordance with rules and regulations adopted by the State Board  
26 of Education, to be ready for ~~first-grade~~ *grade 1* work may be  
27 admitted to ~~the first grade 1~~ at the discretion of the school  
28 administration of the district and with the consent of the ~~child's~~  
29 parent or guardian *of the child* if the child is at least five years of  
30 age. When a child has been legally enrolled in a public school of  
31 another *school* district within or out of the state, he or she may be  
32 admitted to school and placed in the grade of enrollment in the  
33 *school* district of former attendance, at the discretion of the school  
34 administration of the *school* district entered.

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**All matter omitted in this version of the bill  
appears in the bill as amended in Assembly,  
April 18, 2007 (JR11)**

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