

AMENDED IN SENATE JUNE 1, 2010
AMENDED IN SENATE APRIL 20, 2010
AMENDED IN SENATE MARCH 23, 2010

SENATE BILL

No. 1381

Introduced by Senator Simitian

February 19, 2010

An act to amend Sections ~~48000~~ 42238.5, 48000, and 48010 of the Education Code, relating to kindergarten.

LEGISLATIVE COUNSEL'S DIGEST

SB 1381, as amended, Simitian. Kindergarten: age of admission.

(1) Existing law requires that a child be admitted to kindergarten at the beginning of a school year, or at any time later in the same year if the child will have his or her 5th birthday on or before December 2 of that school year. An elementary school is required to admit a child to the first grade 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.

This bill would change the required birthday for admission to kindergarten and first grade to November 1 for the 2012–13 school year, October 1 for the 2013–14 school year, and September 1 for the 2014–15 school year and each school year thereafter. To the extent those changes establish new administrative duties on the governing boards of school districts in implementing the changes, they would impose a state-mandated local program.

The bill would state the intent of the Legislature to appropriate in the annual Budget Act $\frac{1}{2}$ of the savings resulting from changes enacted by this bill for purposes of expanding the state preschool program and that

children who are 4 and 5 years of age and not eligible for kindergarten be allowed to participate in that preschool program.

(2) Existing law requires the county superintendent of schools to determine a revenue limit for each school district in the county for each fiscal year. Under existing law, in order to mitigate the effects of any declining enrollment, the revenue limit calculation for each school district utilizes the 2nd principal apportionment average daily attendance (ADA) of the district for either the current or prior fiscal year, whichever is greater.

This bill would prohibit a school district from including the year to year loss of ADA for kindergarten in the 2012–13, 2013–14, or 2014–15 fiscal year.

~~(2)~~

(3) 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, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

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. Section 42238.5 of the Education Code is amended
2 to read:

3 42238.5. (a) For purposes of Section 42238, the fiscal year
4 average daily attendance shall be computed pursuant to paragraph
5 (1) or (2).

6 (1) The second principal apportionment regular average daily
7 attendance for either the current or prior fiscal year, whichever is
8 greater. However, prior fiscal year average daily attendance shall
9 be adjusted for any loss or gain of average daily attendance due
10 to a reorganization or transfer of territory, or, commencing in the
11 1993–94 fiscal year, and each fiscal year thereafter, for any change
12 in average daily attendance for pupils who are concurrently enrolled
13 in adult programs and classes pursuant to Section 52616.17. In
14 computing the fiscal year average daily attendance, a school
15 district shall not include the year-to-year loss of average daily

1 *attendance in kindergarten for the 2012–13, 2013–14, or 2014–15*
2 *fiscal year.*

3 (2) Any school district that elects to receive funding pursuant
4 to Article 4 (commencing with Section 42280) shall compute its
5 units of average daily attendance for purposes of Section 42238
6 by subtracting the amount determined in subparagraph (B) from
7 the amount determined in subparagraph (A).

8 (A) The units of average daily attendance computed pursuant
9 to paragraph (1).

10 (B) The units of average daily attendance resulting from pupils
11 attending schools funded pursuant to Article 4 (commencing with
12 Section 42280).

13 (b) For purposes of this article, regular average daily attendance
14 shall be the base revenue limit average daily attendance, excluding
15 summer school average daily attendance.

16 (c) For purposes of this section, for the 1998–99 fiscal year
17 only, the prior year average daily attendance shall be the 1997–98
18 regular average daily attendance, excluding absences excused
19 pursuant to subdivision (b) of Section 46010, as that subdivision
20 read on July 1, 1996.

21 ~~SECTION 4.~~

22 *SEC. 2.* Section 48000 of the Education Code is amended to
23 read:

24 48000. (a) A child shall be admitted to a kindergarten at the
25 beginning of a school year, or at a later time in the same year if
26 the child will have his or her fifth birthday on or before one of the
27 following dates:

28 (1) December 2 of the 2011–12 school year.

29 (2) November 1 of the 2012–13 school year.

30 (3) October 1 of the 2013–14 school year.

31 (4) September 1 of the 2014–15 school year and each school
32 year thereafter.

33 (b) A child who will have his or her fifth birthday on or before
34 one of the dates described in paragraphs (1) to (4), inclusive, of
35 subdivision (a) may be admitted to the prekindergarten summer
36 program maintained by the school district for pupils who will be
37 enrolling in kindergarten in September.

38 (c) The governing board of a school district maintaining one or
39 more kindergartens may, on a case-by-case basis, admit to a
40 kindergarten a child having attained the age of five years at any

1 time during the school year with the approval of the parent or
2 guardian, subject to the following conditions:

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

5 (2) The parent or guardian is given information regarding the
6 advantages and disadvantages and any other explanatory
7 information about the effect of this early admittance.

8 ~~SEC. 2.~~

9 *SEC. 3.* Section 48010 of the Education Code is amended to
10 read:

11 48010. (a) A child shall be admitted to the first grade of an
12 elementary school during the first month of a school year if the
13 child will have his or her sixth birthday on or before one of the
14 following dates:

- 15 (1) December 2 of the 2011–12 school year.
- 16 (2) November 1 of the 2012–13 school year.
- 17 (3) October 1 of the 2013–14 school year.
- 18 (4) September 1 of the 2014–15 school year and each school
19 year thereafter.

20 (b) For good cause, the governing board of a school district may
21 permit a child of proper age to be admitted to a class after the first
22 school month of the school term.

23 ~~SEC. 3.~~

24 *SEC. 4.* It is the intent of the Legislature to appropriate in the
25 annual Budget Act one-half of the savings resulting from changes
26 enacted by this bill for purposes of expanding the state preschool
27 program, as set forth in Article 7 (commencing with Section 8235)
28 of Chapter 2 of Part 6 of Division 1 of Title 1 of the Education
29 Code. It is further the intent of the Legislature that children who
30 are four and five years of age and ineligible for admission to
31 kindergarten be allowed to participate in the state preschool
32 program.

33 ~~SEC. 4.~~

34 *SEC. 5.* If the Commission on State Mandates determines that
35 this act contains costs mandated by the state, reimbursement to
36 local agencies and school districts for those costs shall be made
37 pursuant to Part 7 (commencing with Section 17500) of Division
38 4 of Title 2 of the Government Code.

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