

AMENDED IN ASSEMBLY AUGUST 4, 2010

AMENDED IN ASSEMBLY AUGUST 2, 2010

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 ~~42238.5~~ 46300, 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, *and would require a child whose admission to a traditional kindergarten is delayed to be admitted to a transitional kindergarten program, as defined. The bill would require pupils who are participating in transitional kindergarten*

to be included in computing the average daily attendance of a school district in accordance with specified requirements. 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.

~~(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.~~

~~(3)~~

(2) 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~~
 2 ~~amended 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~~

1 in adult programs and classes pursuant to Section 52616.17. In
2 computing the fiscal year average daily attendance, a school district
3 shall not include the year-to-year loss of average daily attendance
4 in kindergarten for the 2012–13, 2013–14, or 2014–15 fiscal year.

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

10 (A) The units of average daily attendance computed pursuant
11 to paragraph (1):

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

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

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

23 *SECTION 1. Section 46300 of the Education Code is amended*
24 *to read:*

25 46300. (a) In computing average daily attendance of a school
26 district or county office of education, there shall be included the
27 attendance of pupils while engaged in educational activities
28 required of those pupils and under the immediate supervision and
29 control of an employee of the district or county office who
30 possessed a valid certification document, registered as required
31 by law.

32 (b) (1) For purposes of a work experience education program
33 in a secondary school that meets the standards of the California
34 State Plan for Career Technical Education, “immediate
35 supervision,” in the context of off-campus work training stations,
36 means pupil participation in on-the-job training as outlined under
37 a training agreement, coordinated by the school district under a
38 state-approved plan, wherein the employer and certificated school
39 personnel share the responsibility for on-the-job supervision.

1 (2) The pupil-teacher ratio in a work experience program shall
2 not exceed 125 pupils per full-time equivalent certificated teacher
3 coordinator. This ratio may be waived by the state board pursuant
4 to Article 3 (commencing with Section 33050) of Chapter 1 of
5 Part 20 of Division 2 under criteria developed by the state board.
6 (3) A pupil enrolled in a work experience program shall not be
7 credited with more than one day of attendance per calendar day,
8 and shall be a full-time pupil enrolled in regular classes that meet
9 the requirements of Section 46141 or 46144.
10 (c) (1) For purposes of the rehabilitative schools, classes, or
11 programs described in Section 48917 that require immediate
12 supervision, “immediate supervision” means that the person to
13 whom the pupil is required to report for training, counseling,
14 tutoring, or other prescribed activity shares the responsibility for
15 the supervision of the pupils in the rehabilitative activities with
16 certificated personnel of the district.
17 (2) A pupil enrolled in a rehabilitative school, class, or program
18 shall not be credited with more than one day of attendance per
19 calendar day.
20 (d) (1) For purposes of computing the average daily attendance
21 of pupils engaged in the educational activities required of high
22 school pupils who are also enrolled in a regional occupational
23 center or regional occupational program, the school district shall
24 receive proportional average daily attendance credit for those
25 educational activities that are less than the minimum schoolday,
26 pursuant to regulations adopted by the state board; however, none
27 of that attendance shall be counted for purposes of computing
28 attendance pursuant to Section 52324.
29 (2) A school district shall not receive proportional average daily
30 attendance credit pursuant to this subdivision for a pupil in
31 attendance for less than 145 minutes each day.
32 (3) The divisor for computing proportional average daily
33 attendance pursuant to this subdivision is 240, except that, in the
34 case of a pupil excused from physical education classes pursuant
35 to Section 52316, the divisor is 180.
36 (4) Notwithstanding any other provision of law, travel time of
37 pupils to attend a regional occupational center or regional
38 occupational program shall not be used in any manner in the
39 computation of average daily attendance.

1 (e) (1) In computing the average daily attendance of a school
2 district, there shall also be included the attendance of pupils
3 participating in independent study conducted pursuant to Article
4 5.5 (commencing with Section 51745) of Chapter 5 of Part 28 for
5 five or more consecutive schooldays.

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

8 (f) For purposes of cooperative career technical education
9 programs and community classrooms described in Section 52372.1,
10 “immediate supervision” means pupil participation in paid and
11 unpaid on-the-job experiences, as outlined under a training
12 agreement and individualized training plans wherein the supervisor
13 of the training site and certificated school personnel share the
14 responsibility for the supervision of on-the-job experiences.

15 (g) In computing the average daily attendance of a school
16 district, there shall be included the attendance of pupils in
17 kindergarten after they have completed one school year in
18 kindergarten ~~only if the~~ *if one of the following conditions is met:*

19 (1) *The school district has on file for each of those pupils an*
20 *agreement made pursuant to Section 48011, approved in form and*
21 *content by the department and signed by the pupil’s parent or*
22 *guardian, that the pupil may continue in kindergarten for not more*
23 *than one additional school year.*

24 (2) *The pupils are participating in a transitional kindergarten*
25 *program pursuant to subdivision (c) of Section 48000.*

26 SEC. 2. Section 48000 of the Education Code is amended to
27 read:

28 48000. (a) A child shall be admitted to a kindergarten
29 *maintained by the school district* at the beginning of a school year,
30 or at a later time in the same year if the child will have his or her
31 fifth birthday on or before one of the following dates:

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

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

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

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

37 ~~(b) A child who will have his or her fifth birthday on or before~~
38 ~~one of the dates described in paragraphs (1) to (4), inclusive, of~~
39 ~~subdivision (a) may be admitted to the prekindergarten summer~~

1 ~~program maintained by the school district for pupils who will be~~
2 ~~enrolling in kindergarten in September.~~

3 (e)

4 (b) The governing board of a school district maintaining one or
5 more kindergartens may, on a case-by-case basis, admit to a
6 kindergarten a child having attained the age of five years at any
7 time during the school year with the approval of the parent or
8 guardian, subject to the following conditions:

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

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

14 (c) (1) *In the 2012–13 school year, a child who will have his*
15 *or her fifth birthday between November 2 and December 2 shall*
16 *be admitted to a transitional kindergarten program maintained*
17 *by the school district.*

18 (2) *In the 2013–14 school year, a child who will have his or her*
19 *fifth birthday between October 2 and December 2 shall be admitted*
20 *to a transitional kindergarten program maintained by the school*
21 *district.*

22 (3) *In the 2014–15 school year and each school year thereafter,*
23 *a child who will have his or her fifth birthday between September*
24 *2 and December 2 shall be admitted to a transitional kindergarten*
25 *program maintained by the school district.*

26 (d) *For purposes of this section, “transitional kindergarten”*
27 *means the first year of a two-year kindergarten program that uses*
28 *a modified kindergarten curriculum that is age and*
29 *developmentally appropriate.*

30 SEC. 3. Section 48010 of the Education Code is amended to
31 read:

32 48010. (a) A child shall be admitted to the first grade of an
33 elementary school during the first month of a school year if the
34 child will have his or her sixth birthday on or before one of the
35 following dates:

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

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

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

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

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

4 SEC. 4. If the Commission on State Mandates determines that
5 this act contains costs mandated by the state, reimbursement to
6 local agencies and school districts for those costs shall be made
7 pursuant to Part 7 (commencing with Section 17500) of Division
8 4 of Title 2 of the Government Code.

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