

AMENDED IN ASSEMBLY AUGUST 20, 2010

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**

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**Introduced by ~~Senator Simitian~~ *Senators Simitian and Steinberg***  
**(Principal coauthors: *Senators Pavley and Runner*)**  
*(Principal coauthors: Assembly Members Brownley and Mendoza)*

February 19, 2010

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An act to amend Sections 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) 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. This act shall be known and may be cited as the  
2     Kindergarten Readiness Act of 2010.

3     ~~SECTION 1.~~

4     SEC. 2. Section 46300 of the Education Code is amended to  
5     read:

6     46300. (a) In computing average daily attendance of a school  
7     district or county office of education, there shall be included the  
8     attendance of pupils while engaged in educational activities  
9     required of those pupils and under the immediate supervision and  
10    control of an employee of the district or county office who  
11    possessed a valid certification document, registered as required  
12    by law.

13    (b) (1) For purposes of a work experience education program  
14    in a secondary school that meets the standards of the California  
15    State Plan for Career Technical Education, “immediate  
16    supervision,” in the context of off-campus work training stations,  
17    means pupil participation in on-the-job training as outlined under  
18    a training agreement, coordinated by the school district under a

1 state-approved plan, wherein the employer and certificated school  
2 personnel share the responsibility for on-the-job supervision.

3 (2) The pupil-teacher ratio in a work experience program shall  
4 not exceed 125 pupils per full-time equivalent certificated teacher  
5 coordinator. This ratio may be waived by the state board pursuant  
6 to Article 3 (commencing with Section 33050) of Chapter 1 of  
7 Part 20 of Division 2 under criteria developed by the state board.

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

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

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

22 (d) (1) For purposes of computing the average daily attendance  
23 of pupils engaged in the educational activities required of high  
24 school pupils who are also enrolled in a regional occupational  
25 center or regional occupational program, the school district shall  
26 receive proportional average daily attendance credit for those  
27 educational activities that are less than the minimum schoolday,  
28 pursuant to regulations adopted by the state board; however, none  
29 of that attendance shall be counted for purposes of computing  
30 attendance pursuant to Section 52324.

31 (2) A school district shall not receive proportional average daily  
32 attendance credit pursuant to this subdivision for a pupil in  
33 attendance for less than 145 minutes each day.

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

38 (4) Notwithstanding any other provision of law, travel time of  
39 pupils to attend a regional occupational center or regional

1 occupational program shall not be used in any manner in the  
 2 computation of average daily attendance.

3 (e) (1) In computing the average daily attendance of a school  
 4 district, there shall also be included the attendance of pupils  
 5 participating in independent study conducted pursuant to Article  
 6 5.5 (commencing with Section 51745) of Chapter 5 of Part 28 for  
 7 five or more consecutive schooldays.

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

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

17 (g) ~~In (1) Notwithstanding subdivision (d) of Section 41204, in~~  
 18 computing the average daily attendance of a school district, there  
 19 shall be included the attendance of pupils in kindergarten after  
 20 they have completed one school year in kindergarten *or pupils in*  
 21 *a transitional kindergarten program after they have completed*  
 22 *one year in that program* if one of the following conditions is met:

23 ~~(1)~~

24 (A) The school district has on file for each of those pupils an  
 25 agreement made pursuant to Section 48011, approved in form and  
 26 content by the department and signed by the pupil’s parent or  
 27 guardian, that the pupil may continue in kindergarten for not more  
 28 than one additional school year.

29 ~~(2)~~

30 (B) The pupils ~~are participating~~ *participated* in a transitional  
 31 kindergarten program pursuant to subdivision (c) of Section 48000.

32 (2) *A school district may not include for apportionment purposes*  
 33 *the attendance of any pupil for more than two years in kindergarten*  
 34 *or for more than two years in a combination of transitional*  
 35 *kindergarten and kindergarten.*

36 ~~SEC. 2.~~

37 SEC. 3. Section 48000 of the Education Code is amended to  
 38 read:

39 48000. (a) A child shall be admitted to a kindergarten  
 40 maintained by the school district at the beginning of a school year,

1 or at a later time in the same year if the child will have his or her  
2 fifth birthday on or before one of the following dates:

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

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

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

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

18 (c) ~~(1)~~ *As a condition of receipt of apportionment for pupils in*  
19 *a transitional kindergarten program pursuant to subdivision (g)*  
20 *of Section 46300, a school district or charter school shall ensure*  
21 *the following:*

22 (1) In the 2012–13 school year, a child who will have his or her  
23 fifth birthday between November 2 and December 2 shall be  
24 admitted to a transitional kindergarten program maintained by the  
25 school district.

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

30 (3) In the 2014–15 school year and each school year thereafter,  
31 a child who will have his or her fifth birthday between September  
32 2 and December 2 shall be admitted to a transitional kindergarten  
33 program maintained by the school district.

34 (d) For purposes of this section, “transitional kindergarten”  
35 means the first year of a two-year kindergarten program that uses  
36 a modified kindergarten curriculum that is age and developmentally  
37 appropriate.

38 (e) *A transitional kindergarten shall not be construed as a new*  
39 *program or higher level of service.*

1 ~~SEC. 3.~~

2 *SEC. 4.* Section 48010 of the Education Code is amended to  
3 read:

4 48010. (a) A child shall be admitted to the first grade of an  
5 elementary school during the first month of a school year if the  
6 child will have his or her sixth birthday on or before one of the  
7 following dates:

- 8 (1) December 2 of the 2011–12 school year.
- 9 (2) November 1 of the 2012–13 school year.
- 10 (3) October 1 of the 2013–14 school year.
- 11 (4) September 1 of the 2014–15 school year and each school  
12 year thereafter.

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

16 ~~SEC. 4.~~

17 *SEC. 5.* If the Commission on State Mandates determines that  
18 this act contains costs mandated by the state, reimbursement to  
19 local agencies and school districts for those costs shall be made  
20 pursuant to Part 7 (commencing with Section 17500) of Division  
21 4 of Title 2 of the Government Code.

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24 **CORRECTIONS:**

25 **Text—Page 4.**  
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