

AMENDED IN SENATE APRIL 7, 2011

SENATE BILL

No. 634

Introduced by Senator Runner

February 18, 2011

~~An act to amend Sections 46300 and 48000 of the Education Code, An act to amend Section 48000 of the Education Code, relating to kindergarten.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 634, as amended, Runner. Kindergarten: transitional kindergarten.

Existing law requires that a child be admitted to kindergarten at the beginning of the school year, or at a later time in the same year if the child has his or her birthday before one of the following dates: (1) December 2 of the 2011–12 school year; (2) November 1 of the 2012–13 school year; (3) October 1 of the 2013–14 school year; or (4) September 1 of the 2014–15 school year and each school year thereafter. Existing law requires, as a condition of receipt of apportionments for these purposes, that a child whose admission to a traditional kindergarten is delayed be admitted to a transitional kindergarten program, as defined.

~~This bill would delete the provisions of law relating to transitional kindergarten.~~

This bill would prohibit a school district from offering a transitional kindergarten program unless the Department of Finance certifies that sufficient funds exist to initiate transitional kindergarten programs for all eligible children, including children of all socioeconomic statuses, English learners, and individuals with exceptional needs, without removing funding from existing state programs or services. The bill would additionally prohibit a school district from initiating a

transitional kindergarten program if the district has a qualified or negative interim financial certification, as specified.

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

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

1 SECTION 1. Section 48000 of the Education Code is amended
2 to read:

3 48000. (a) A child shall be admitted to a kindergarten
4 maintained by the school district at the beginning of a school year,
5 or at a later time in the same year, if the child will have his or her
6 fifth birthday on or before one of the following dates:

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

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

- 17 (1) The governing board determines that the admittance is in
18 the best interests of the child.
- 19 (2) The parent or guardian is given information regarding the
20 advantages and disadvantages and any other explanatory
21 information about the effect of this early admittance.

22 (c) ~~As~~ *Subject to subdivision (e), and as* a condition of receipt
23 of apportionment for pupils in a transitional kindergarten program
24 pursuant to subdivision (g) of Section 46300, a school district or
25 charter school shall ensure the following:

- 26 (1) In the 2012–13 school year, a child who will have his or her
27 fifth birthday between November 2 and December 2 shall be
28 admitted to a transitional kindergarten program maintained by the
29 school district.
- 30 (2) In the 2013–14 school year, a child who will have his or her
31 fifth birthday between October 2 and December 2 shall be admitted
32 to a transitional kindergarten program maintained by the school
33 district.

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

5 (d) For purposes of this section, “transitional kindergarten”
6 means the first year of a two-year kindergarten program that uses
7 a modified kindergarten curriculum that is age and developmentally
8 appropriate.

9 (e) (1) *A school district shall not initiate a transitional*
10 *kindergarten program pursuant to subdivision (c) unless the*
11 *Department of Finance certifies that sufficient funds exist to initiate*
12 *transitional kindergarten programs in all school districts that can*
13 *enroll all eligible children, including children of all socioeconomic*
14 *statuses, English learners, and individuals with exceptional needs*
15 *as defined in Section 56026, without removing funding from*
16 *existing state programs or services.*

17 (2) *A school district shall not initiate a transitional kindergarten*
18 *program pursuant to subdivision (c) if the district has a qualified*
19 *or negative interim financial certification pursuant to Sections*
20 *42130 and 42131.*

21 (e)

22 (f) A transitional kindergarten shall not be construed as a new
23 program or higher level of service.

24 ~~SECTION 1. Section 46300 of the Education Code is amended~~
25 ~~to read:~~

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

33 ~~(b) (1) For purposes of a work experience education program~~
34 ~~in a secondary school that meets the standards of the California~~
35 ~~State Plan for Career Technical Education, “immediate~~
36 ~~supervision,” in the context of off-campus work training stations,~~
37 ~~means pupil participation in on-the-job training as outlined under~~
38 ~~a training agreement, coordinated by the school district under a~~
39 ~~state-approved plan, wherein the employer and certificated school~~
40 ~~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 ~~(e) (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 school district has on file for each of those~~
19 ~~pupils an agreement made pursuant to Section 48011, approved~~
20 ~~in form and content by the department and signed by the pupil’s~~
21 ~~parent or guardian, that the pupil may continue in kindergarten for~~
22 ~~not more than one additional school year.~~

23 ~~SEC. 2. Section 48000 of the Education Code is amended to~~
24 ~~read:~~

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

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

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

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

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

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

39 ~~(1) The governing board determines that the admittance is in~~
40 ~~the best interests of the child.~~

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

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