

AMENDED IN ASSEMBLY MAY 23, 2014

AMENDED IN ASSEMBLY MAY 1, 2014

AMENDED IN ASSEMBLY APRIL 22, 2014

AMENDED IN ASSEMBLY MARCH 28, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1719

**Introduced by Assembly Members Weber and Buchanan
(Coauthor: Assembly Member Bonilla)**

February 13, 2014

An act to amend Section 37202 of, to amend and repeal Sections 8973, 46111, 46117, 46118, and 46119 of, and to amend, repeal, and add Sections 46112 and 46114 of, *add and repeal Section 46116 of* the Education Code, relating to kindergarten.

LEGISLATIVE COUNSEL'S DIGEST

AB 1719, as amended, Weber. Full-day kindergarten.

Existing law provides that school districts offering kindergarten may maintain kindergarten classes at different schoolsites for different lengths of time.

This bill would require, commencing with the 2017–18 school year, school districts offering kindergarten to implement a full-day kindergarten program, thereby imposing a state-mandated local program. The bill would permit a school district to postpone implementation of a full-day kindergarten due to a lack of facilities if its governing board approves the postponement and would require the school district to notify the State Department of Education of the postponement within one month of the vote. The bill would provide that a minimum schoolday

~~for full-day kindergarten is the same number of minutes per schoolday that is offered to pupils in first grade. The bill would provide that a school district that has postponed implementation of the full-day kindergarten requirement has a minimum schoolday of 180 minutes.~~

~~This bill also would make conforming changes to other provisions of existing law.~~

~~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.~~

~~This bill would require the Superintendent of Public Instruction to provide the Legislature no later than March 1, 2015, with a feasibility study and implementation plan for providing a full-day kindergarten program in all public schools, as specified.~~

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

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

1 SECTION 1. Section 46116 is added to the Education Code,
2 to read:

3 46116. (a) No later than March 1, 2015, the Superintendent
4 shall provide the Legislature with a feasibility study and
5 implementation plan for providing a full-day kindergarten program
6 in all public schools. The feasibility study and implementation
7 plan shall include recommendations for statutory changes and
8 budgetary requirements to ensure a seamless transition to
9 providing a full-day kindergarten program in all public schools.
10 The Superintendent, at a minimum, shall consider all of the
11 following:

12 (1) The instructional, social, emotional, and developmental
13 needs of children.

14 (2) Teacher and other school staffing issues.

15 (3) Classroom capacity issues.

16 (b) The Superintendent may convene a task force to advise the
17 Superintendent on feasibility and implementation issues for the
18 purposes of preparing the report required pursuant to subdivision

1 (a). *The task force shall include representatives of school district*
2 *superintendents, principals, kindergarten teachers, related pupil*
3 *support services personnel, and parents.*

4 (c) *The report required pursuant to this section shall be*
5 *submitted in compliance with Section 9795 of the Government*
6 *Code.*

7 (d) *This section shall become inoperative on March 1, 2015,*
8 *and, as of January 1, 2016, is repealed, unless a later enacted*
9 *statute, that becomes operative on or before January 1, 2016,*
10 *deletes or extends the dates on which it becomes inoperative and*
11 *is repealed.*

12 ~~SECTION 1. The Legislature finds and declares all of the~~
13 ~~following:~~

14 ~~(a) All California public school kindergarten pupils deserve the~~
15 ~~opportunity to maximize their growth, development, and success~~
16 ~~at this critical time in their developmental process.~~

17 ~~(b) Full-day kindergarten provides this opportunity through a~~
18 ~~longer instructional day that has proven to be successful where it~~
19 ~~has been implemented. School districts can obtain an example of~~
20 ~~an extended kindergarten curriculum to help them more easily~~
21 ~~transition to the program. One example curriculum that was~~
22 ~~designed for a full-day kindergarten program is available through~~
23 ~~the Los Angeles Unified School District, which has already~~
24 ~~implemented a full-day program.~~

25 ~~(c) Full-day kindergarten should provide time to meet the~~
26 ~~developmentally based instructional needs of the whole child. It~~
27 ~~should encompass all curricular areas, including visual and~~
28 ~~performing arts and physical education, as outlined in the state~~
29 ~~adopted curriculum frameworks.~~

30 ~~(d) In addition, full-day kindergarten must be a priority for~~
31 ~~school districts and reserving or obtaining space for the full-day~~
32 ~~kindergarten program must take precedence over all nonclass~~
33 ~~requirements.~~

34 ~~(e) However, some school districts may face difficulties in~~
35 ~~transitioning to a full-day kindergarten program and these school~~
36 ~~districts must be provided with the necessary time to achieve~~
37 ~~readiness.~~

38 ~~SEC. 2. Section 8973 of the Education Code is amended to~~
39 ~~read:~~

1 ~~8973. (a) Notwithstanding any other law, the kindergarten~~
2 ~~school day in an early primary program conducted pursuant to~~
3 ~~Section 8972 may exceed four hours, exclusive of recesses,~~
4 ~~provided that both of the following conditions are met:~~

5 ~~(1) The governing board of a school district declares that the~~
6 ~~extended-day kindergarten program does not exceed the length of~~
7 ~~the primary schoolday.~~

8 ~~(2) The extended-day kindergarten program takes into account~~
9 ~~ample opportunity for both active and quiet activities within an~~
10 ~~integrated, experiential, and developmentally appropriate~~
11 ~~educational program.~~

12 ~~(b) This section shall become inoperative on July 1, 2017, and~~
13 ~~as of January 1, 2018, is repealed, unless a later enacted statute~~
14 ~~that becomes operative on or before January 1, 2018, deletes or~~
15 ~~extends the dates on which it becomes inoperative and is repealed.~~

16 ~~SEC. 3. Section 37202 of the Education Code is amended to~~
17 ~~read:~~

18 ~~37202. (a) Except if a school has been closed by order of a~~
19 ~~city or a county board of health, or of the State Board of Health,~~
20 ~~on account of contagious disease, or if the school has been closed~~
21 ~~on account of fire, flood, or other public disaster, the governing~~
22 ~~board of a school district shall maintain all of the elementary day~~
23 ~~schools established by it for an equal length of time during the~~
24 ~~school year and all of the day high schools established by it for an~~
25 ~~equal length of time during the school year.~~

26 ~~(b) Notwithstanding subdivision (a), a school district that is~~
27 ~~implementing an early primary program, pursuant to Chapter 8~~
28 ~~(commencing with Section 8970) of Part 6 of Division 1 of Title~~
29 ~~1, may maintain kindergarten classes at different schoolsites within~~
30 ~~the school district for different lengths of time during the~~
31 ~~schoolday, except as provided in subdivision (c).~~

32 ~~(c) Commencing with the 2017-18 school year, each school~~
33 ~~district shall implement a full-day kindergarten program.~~

34 ~~(d) A school district that determines that it cannot comply with~~
35 ~~the requirement in subdivision (c) due to a lack of facilities may,~~
36 ~~after deliberation and vote of its governing board, postpone the~~
37 ~~requirement of subdivision (c). If the postponement is approved~~
38 ~~by the governing board of the school district, the school district~~
39 ~~shall notify the department of the postponement within one month~~
40 ~~of the vote.~~

1 ~~(e) For purposes of this section, “full-day kindergarten” means,~~
2 ~~except as otherwise provided in this chapter, instruction provided~~
3 ~~for the same number of minutes per schoolday that is offered to~~
4 ~~pupils in first grade, exclusive of noon intermissions, but inclusive~~
5 ~~of recesses, in accordance with Section 46115.~~

6 ~~(f) It is the intent of the Legislature that the governing board of~~
7 ~~a school district develop the implementation plan for full-day~~
8 ~~kindergarten pursuant to this section in consultation with affected~~
9 ~~employee representatives and parents.~~

10 ~~SEC. 4. Section 46111 of the Education Code is amended to~~
11 ~~read:~~

12 ~~46111. (a) (1) A pupil in a kindergarten shall not be kept in~~
13 ~~school in any day more than four hours exclusive of recesses,~~
14 ~~except for pupils in Early Primary Programs, as set forth in Chapter~~
15 ~~8 (commencing with Section 8970) of Part 6 of Division 1 of Title~~
16 ~~4.~~

17 ~~(2) A pupil in a kindergarten in a school operating on a program~~
18 ~~of multitrack year-round scheduling pursuant to subdivision (a)~~
19 ~~of Section 37670 may be kept in school on any day for 265 minutes~~
20 ~~of instruction, exclusive of recesses.~~

21 ~~(b) This section does not apply to the Pasadena Unified School~~
22 ~~District or counties of the third class as determined pursuant to~~
23 ~~Section 28024 of the Government Code, as it read on January 1,~~
24 ~~1977.~~

25 ~~(c) This section does not apply to a pupil of the San Bernardino~~
26 ~~Unified School District who is determined by the principal of the~~
27 ~~school in which that pupil is enrolled, pursuant to testing, teacher~~
28 ~~recommendation, or both, to be developmentally and academically~~
29 ~~suited for a longer instructional day.~~

30 ~~(d) This section shall become inoperative on July 1, 2017, and~~
31 ~~as of January 1, 2018, is repealed, unless a later enacted statute~~
32 ~~that becomes operative on or before January 1, 2018, deletes or~~
33 ~~extends the dates on which it becomes inoperative and is repealed.~~

34 ~~SEC. 5. Section 46112 of the Education Code is amended to~~
35 ~~read:~~

36 ~~46112. (a) The minimum schoolday in grades 1, 2, and 3 in~~
37 ~~elementary schools, except in opportunity schools, classes, or~~
38 ~~programs, is 230 minutes, except if the governing board of a school~~
39 ~~district has prescribed a shorter length for the schoolday because~~

1 of a lack of school facilities that requires double sessions, in which
2 case the minimum schoolday in those grades shall be 200 minutes.

3 ~~(b) This section shall become inoperative on July 1, 2017, and~~
4 ~~as of January 1, 2018, is repealed, unless a later enacted statute~~
5 ~~that becomes operative on or before January 1, 2018, deletes or~~
6 ~~extends the dates on which it becomes inoperative and is repealed.~~

7 SEC. 6. Section 46112 is added to the Education Code, to read:

8 46112. (a) The minimum schoolday in grades 1, 2, and 3 in
9 elementary schools, except in opportunity schools, classes, or
10 programs, is 230 minutes, except if the governing board of a school
11 district has prescribed a shorter length for the schoolday because
12 of a lack of school facilities that requires double sessions, in which
13 case the minimum schoolday in those grades is 200 minutes.

14 (b) The minimum schoolday in kindergarten in elementary
15 schools is the same number of minutes per schoolday that is offered
16 to pupils in first grade, except where the governing board of a
17 school district has voted to postpone that minimum schoolday
18 pursuant to subdivision (d) of Section 37202, in which case the
19 minimum schoolday in kindergarten shall be 180 minutes.

20 (c) This section shall become operative on July 1, 2017.

21 SEC. 7. Section 46114 of the Education Code is amended to
22 read:

23 46114. (a) The minimum schoolday in a kindergarten
24 implementing the full-day kindergarten program required by
25 subdivisions (c) and (e) of Section 37202 and in grades 1, 2, and
26 3 in elementary schools may be computed by determining the
27 number of minutes of attendance in any 10 consecutive schooldays
28 and dividing that number by 10. If the resulting quotient is 230 or
29 more, the pupils shall be deemed to have complied with Section
30 46112, even if the number of minutes attended in any one
31 schoolday is less than 230, but not less than 170.

32 (b) The minimum schoolday in grades 4, 5, 6, 7, and 8 in
33 elementary schools may be computed by determining the number
34 of minutes of attendance in any 10 consecutive schooldays and
35 dividing that number by 10. If the resulting quotient is 240 or more,
36 the pupils shall be deemed to have complied with Section 46113,
37 even if the number of minutes attended in any one schoolday is
38 less than 240, but not less than 180.

39 (c) The minimum schoolday in kindergarten in elementary
40 schools that are not implementing the full-day kindergarten

1 ~~program required by subdivision (c) of Section 37202 may be~~
2 ~~computed by determining the number of minutes of attendance in~~
3 ~~any 10 consecutive schooldays and dividing that number by 10.~~
4 ~~If the resulting quotient is 180 or more, pupils shall be deemed to~~
5 ~~have complied with Section 46117, even if the number of minutes~~
6 ~~attended in any one schoolday is less than 180, but not less than~~
7 ~~60.~~

8 ~~(d) A computation authorized by this section shall not result in~~
9 ~~any increase in state apportionments.~~

10 ~~(e) This section shall become inoperative on July 1, 2017, and~~
11 ~~as of January 1, 2018, is repealed, unless a later enacted statute~~
12 ~~that becomes operative on or before January 1, 2018, deletes or~~
13 ~~extends the dates on which it becomes inoperative and is repealed.~~

14 ~~SEC. 8. Section 46114 is added to the Education Code, to read:~~

15 ~~46114. (a) The minimum schoolday in kindergarten and grades~~
16 ~~1, 2, and 3 in elementary schools may be computed by determining~~
17 ~~the number of minutes of attendance in any 10 consecutive~~
18 ~~schooldays and dividing that number by 10. If the resulting quotient~~
19 ~~is 230 or more, the pupils shall be deemed to have complied with~~
20 ~~Section 46112, even if the number of minutes attended in any one~~
21 ~~schoolday is less than 230, but not less than 170.~~

22 ~~(b) The minimum schoolday in grades 4, 5, 6, 7, and 8 in~~
23 ~~elementary schools may be computed by determining the number~~
24 ~~of minutes of attendance in any 10 consecutive schooldays and~~
25 ~~dividing that number by 10. If the resulting quotient is 240 or more,~~
26 ~~the pupils shall be deemed to have complied with Section 46113,~~
27 ~~even if the number of minutes attended in any one schoolday is~~
28 ~~less than 240, but not less than 180.~~

29 ~~(c) The computation authorized by this section shall not result~~
30 ~~in any increase in state apportionments.~~

31 ~~(d) This section shall become operative on July 1, 2017.~~

32 ~~SEC. 9. Section 46117 of the Education Code is amended to~~
33 ~~read:~~

34 ~~46117. (a) The minimum schoolday for a pupil in a~~
35 ~~kindergarten other than a kindergarten that is implementing the~~
36 ~~full-day kindergarten program required by subdivision (e) of~~
37 ~~Section 37202 is 180 minutes inclusive of recesses, and a unit of~~
38 ~~average daily attendance shall not be credited for attendance in~~
39 ~~kindergarten classes if the minimum schoolday of those classes is~~
40 ~~less than 180 minutes.~~

~~(b) This section shall become inoperative on July 1, 2017, and as of January 1, 2018, is repealed, unless a later enacted statute that becomes operative on or before January 1, 2018, deletes or extends the dates on which it becomes inoperative and is repealed.~~

SEC. 10. Section 46118 of the Education Code is amended to read:

46118. (a) A single-session kindergarten class shall meet all of the following criteria:

(1) The class is maintained for a minimum of 180 minutes per schoolday, unless the kindergarten is implementing the full-day kindergarten program required by subdivision (c) of Section 37202.

(2) The kindergarten class teacher is assigned to only one session of kindergarten daily as a principal teacher.

(3) The kindergarten teacher is a full-time certificated employee.

(4) The kindergarten teacher shall be available for assistance or assignment in the instructional program of the primary grades when not involved in the kindergarten program.

~~(b) This section shall become inoperative on July 1, 2017, and as of January 1, 2018, is repealed, unless a later enacted statute that becomes operative on or before January 1, 2018, deletes or extends the dates on which it becomes inoperative and is repealed.~~

SEC. 11. Section 46119 of the Education Code is amended to read:

46119. (a) The governing board of a school district that has fewer than 40 pupils enrolled in kindergarten classes may apply to the Superintendent for approval to maintain two kindergarten classes of 150 minutes each inclusive of recesses on the same day that are taught by the same teacher. The average daily attendance for those classes shall be adjusted by a multiplication factor of 0.500.

~~(b) This section shall become inoperative on July 1, 2017, and as of January 1, 2018, is repealed, unless a later enacted statute that becomes operative on or before January 1, 2018, deletes or extends the dates on which it becomes inoperative and is repealed.~~

SEC. 12. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

O