

AMENDED IN ASSEMBLY JUNE 1, 2015
AMENDED IN ASSEMBLY MARCH 19, 2015
CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 713

Introduced by Assembly Member Weber
(Coauthors: Assembly Members McCarty, O'Donnell, and Thurmond)

February 25, 2015

An act to amend ~~Section~~ *Sections 33190 and 48010* of, and to add Section 48001 to, the Education Code, relating to kindergarten.

LEGISLATIVE COUNSEL'S DIGEST

AB 713, as amended, Weber. Elementary education: kindergarten.

~~Under~~

(1) *Under* existing law, a person between the ages of 6 and 18 years who is not exempted by law is subject to compulsory full-time education. Existing law excludes a child under 6 years of age from the public schools, subject to specified exceptions.

Existing law requires a school district maintaining a kindergarten to admit a child who will have his or her 5th birthday on or before certain specified dates during that school year. Existing law also requires ~~that~~ a child who will have his or her 6th birthday on or before specified dates *to* be admitted to the first grade of an elementary school.

This bill, beginning with the 2017–18 school year, would require a child to have completed one year of kindergarten before he or she may be admitted to the first grade, thereby imposing a state-mandated local program.

(2) *Existing law requires each person, firm, association, partnership, or corporation offering or conducting private school instruction at the*

elementary or high school level to, between the first and 15th day of October of each year, file with the Superintendent of Public Instruction an affidavit or statement, under penalty of perjury, by the owner or other administrator setting forth specified information.

This bill would specify that private school instruction at the elementary level includes kindergarten. The bill also would make nonsubstantive changes to these provisions.

~~The~~

(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 33190 of the Education Code is amended*
2 *to read:*

3 33190. ~~Every~~

4 (a) *Each person, firm, association, partnership, or corporation*
5 *offering or conducting private school instruction—on at the*
6 *elementary, including kindergarten, or high school level—shall*
7 *shall, between the first and 15th day of October of each—year,*
8 *commencing on October 1, 1967, year, file with the Superintendent*
9 *of Public Instruction an affidavit or statement, under penalty of*
10 *perjury, by the owner or other—head administrator setting forth the*
11 *following information for the current year:*

12 (a)

13 (1) *All names, whether real or fictitious,—of under which the*
14 *person, firm, association, partnership, or corporation—under which*
15 *it has done—and or is doing business.*

16 (b)

17 (2) *The address, including city and street, of—every each place*
18 *of—doing business of the person, firm, association, partnership, or*
19 *corporation within—the State of California.*

20 (c)

1 (3) The address, including city and street, of the location of the
2 records of the person, firm, association, partnership, or corporation,
3 and the name and address, including city and street, of the
4 custodian of ~~such~~ *those* records.

5 ~~(d)~~

6 (4) The ~~names~~ *name* and ~~addresses,~~ *address*, including city and
7 street, of ~~the directors, if any,~~ *each director* and principal ~~officers~~
8 *officer* of the person, firm, association, partnership, or corporation.

9 ~~(e)~~

10 (5) The school enrollment, by grades, number of teachers,
11 *whether* coeducational or enrollment limited to boys or ~~girls~~ *girls*,
12 and boarding facilities.

13 ~~(f)~~

14 (6) That the following records are maintained at the address
15 stated, and are true and accurate:

16 ~~(1)~~

17 (A) The records required to be kept by Section 48222.

18 ~~(2)~~

19 (B) The courses of study offered by the institution.

20 ~~(3)~~

21 (C) The ~~names~~ *name* and ~~addresses,~~ *address*, including city and
22 street, of ~~its faculty,~~ *each faculty member*, together with a record
23 of the educational qualifications of each.

24 ~~(g)~~

25 (7) Criminal record summary information ~~has been~~ *was* obtained
26 pursuant to Section 44237.

27 ~~Whenever~~

28 (b) *If* two or more private schools are under the effective control
29 or supervision of a single administrative unit, ~~such that~~
30 administrative unit may comply with ~~the provisions of~~ this section
31 on behalf of each ~~of the schools~~ *school* under its control or
32 supervision by submitting one report.

33 ~~Filing~~

34 (c) *Filing* pursuant to this section ~~shall not be interpreted to~~
35 *does not* mean, and it shall be unlawful for ~~any~~ *a* school to
36 expressly or impliedly represent by any means whatsoever, that
37 the State of California, the ~~Superintendent of Public Instruction,~~
38 *Superintendent*, the ~~State Board of Education,~~ *state board*, the
39 ~~State Department of Education,~~ *department*, or ~~any~~ *a* division or
40 bureau of the department, or ~~any~~ *an* accrediting agency has made

1 ~~any~~ *an* evaluation, recognition, approval, or endorsement of the
2 school or ~~course~~ *course*, unless this is an actual fact.

3 ~~The~~

4 (*d*) ~~The Superintendent of Public Instruction~~ shall prepare and
5 publish a list of *each* private elementary, *including kindergarten*,
6 and ~~high schools to include~~ *school that includes* the name and
7 address of the school and the name of the school owner or
8 administrator.

9 ~~SECTION 1.~~

10 *SEC. 2.* Section 48001 is added to the Education Code, to read:

11 48001. Beginning with the 2017–18 school year, a child shall
12 have completed one year of kindergarten before he or she may be
13 admitted to the first grade.

14 ~~SEC. 2.~~

15 *SEC. 3.* Section 48010 of the Education Code is amended to
16 read:

17 48010. (a) A child shall be admitted to the first grade of an
18 elementary school during the first month of a school year if the
19 child has completed one year of kindergarten and will have his or
20 her sixth birthday on or before one of the following dates:

- 21 (1) December 2 of the 2011–12 school year.
- 22 (2) November 1 of the 2012–13 school year.
- 23 (3) October 1 of the 2013–14 school year.
- 24 (4) September 1 of the 2014–15 school year and each school
25 year thereafter.

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

29 ~~SEC. 3.~~

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