

Assembly Bill No. 25

CHAPTER 1022

An act to add and repeal Article 1.5 (commencing with Section 48005.10) of Chapter 1 of Part 27 of the Education Code, relating to public school enrollment, and making an appropriation therefor.

[Approved by Governor September 30, 2000. Filed
with Secretary of State September 30, 2000.]

LEGISLATIVE COUNSEL'S DIGEST

AB 25, Mazzoni. Pupils: age of admission.

Existing law requires that a child be admitted to a 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. Existing law requires that a child be admitted to the 1st grade of an elementary school 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 establish a voluntary Kindergarten Readiness Pilot Program that would, commencing with the 2001-02 school year, require participating school districts to, with certain exceptions, offer kindergarten enrollment only to children who will have their 5th birthday on or before September 1 of that year, and to offer 1st grade enrollment only to children who will have their 6th grade enrollment on or before September 1 of that school year.

This bill would require the Superintendent of Public Instruction to provide funding to compensate school districts for the costs of the kindergarten readiness program and services, and to compensate school districts for any loss of revenue due to the reduced enrollment related to participation in the program.

The bill would require the State Allocation Board to adopt regulations to ensure that participating school districts are not adversely affected with regard to access to state funding for school facilities due to loss of enrollment based upon participation in this program.

This bill would exempt kindergarten readiness programs from prescribed provisions of law relating to school finance, child care and development programs, and seismic safety. The bill would authorize the State Board of Education to adopt regulations for administration of these provisions, and would require the Superintendent of Public Instruction, by June 1, 2002, to contract for an independent evaluation of the program. The bill would require the independent evaluator to report to the Legislature, the Governor, the Superintendent of Public Instruction, the State Board of Education,

and the Secretary for Education. The bill would require the initial report to be filed by June 1, 2005, the interim report to be filed by January 1, 2007, and the final report to be filed by January 1, 2008.

This bill would appropriate \$100,000 to the Superintendent of Public Instruction for a statewide public information campaign to notify school districts and parents of the availability and goals of the program.

The funds appropriated by this bill would be applied toward the minimum funding requirements for school districts and community college districts imposed by Section 8 of Article XVI of the California Constitution.

This bill would become inoperative on June 1, 2010, and, on January 1, 2011, would be repealed.

Appropriation: yes.

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

SECTION 1. Article 1.5 (commencing with Section 48005.10) is added to Chapter 1 of Part 27 of the Education Code, to read:

Article 1.5. Kindergarten Readiness Pilot Program

48005.10. (a) This article shall be known, and may be cited, as the Kindergarten Readiness Pilot Program.

(b) The Legislature hereby finds and declares the following:

(1) The available data indicate all of the following:

(A) By changing the age at which children generally enter kindergarten, California's children will be better prepared to enter into the academic environment that is required by the California content standards for kindergarten.

(B) Success in school is often related to socioeconomic status, English language fluency at school entry, and access to preschool. By providing a kindergarten readiness program for the children most at risk for low performance and delaying entry to allow all children time to become more developmentally ready to learn, pupils are more likely to succeed in school.

(C) Comparisons between California pupils and pupils in other states on national achievement tests in the later grades are likely to be more equitable if the entry age of California pupils is more closely aligned to that of most other states.

(D) Children who have attended an educationally based kindergarten readiness program, including, but not limited to, a quality state preschool, Head Start, or kindergarten readiness program, are better prepared academically and socially for the existing kindergarten curriculum, as reflected by the state adopted standards.



(2) The purpose of the pilot project established pursuant to this article is intended to test these data.

(3) For participating school districts, the change in enrollment required pursuant to this article will result in a decrease in the number of pupils enrolled in kindergarten classes for the class entering kindergarten in the 2001–02 school year. The decreased enrollment will affect the class size in each subsequent grade level over the 13-year period that it would normally take the class to complete its elementary and high school education. Thus, it is estimated that in participating school districts there will be a 25 percent decrease in the enrollment of the kindergarten class in the initial year of implementation that will affect the subsequent grade levels of the high school graduating class of the 2013–14 school year.

(4) The decrease in enrollment permitted pursuant to this article will necessarily decrease the number of units of average daily attendance that a participating school district may claim for the purpose of computing the amount of state revenue limit aid that a school district may receive, thereby reducing the amount of state aid that school districts receive for revenue limit purposes. Due to the definition of “changes in enrollment” in Section 14022.7, that decrease will also affect the computation of the state’s minimum funding obligation to school districts and community college districts under paragraphs (2) and (3) of Section 8 of Article XVI of the California Constitution, which requires adjustments to be made to that computation for changes in enrollment.

(5) The school district revenue related provisions of this article, including, but not limited to, funding provided pursuant to subdivisions (a) and (b) of Section 48005.30, future funding described in subdivision (c) of Section 48005.30, and adjustments to average daily attendance calculations as set forth in Section 48005.40, are intended to fully compensate participating school districts for this resultant funding reduction.

48005.13. (a) The Superintendent of Public Instruction shall establish and administer the Kindergarten Readiness Pilot Program to permit school districts to provide opportunities for children to enhance their readiness for kindergarten, thereby increasing their likelihood for future academic success.

(b) The Superintendent of Public Instruction shall convene an advisory panel to assist the department in developing its request for proposals, and in evaluating and selecting the proposals submitted to the department. The advisory panel shall include, but need not be limited to, a representative of each of the following:

- (1) The Department of Finance.
- (2) The Legislature.
- (3) The California Research Bureau.
- (4) The Legislative Analyst.
- (5) The State Board of Education.



(6) The Secretary for Education.

(c) By February 1, 2001, the superintendent shall notify elementary and unified school districts maintaining kindergarten about the existence of this program, shall notify them about the procedures for participation, and shall request proposals for participation.

(d) Participation in the program by a school district shall be voluntary.

(e) A school district that elects to participate in the program shall apply to the Superintendent of Public Instruction by May 1, 2001, upon forms adopted by the superintendent for this purpose.

(f) The Superintendent of Public Instruction, with the advice of the advisory panel, and in consultation with the Secretary for Education, shall select participants from the group of applicants. The Superintendent of Public Instruction shall give priority to applicant school districts that are representative of the diversity of pupils and of the various types of school districts within the state. Priority shall, also, be given to unified school districts.

48005.15. By July 1, 2001, each participant school district shall enter into an agreement with the Superintendent of Public Instruction setting forth the requirements under the program, including, but not limited to, all of the following:

(a) The participating school district shall make reasonable efforts to identify parents and guardians of children from three to five years of age who reside within the school district and to provide the parents and guardians with information regarding, and access to, services, programs, or methods, to assist them in assessing the level of readiness of a child to enter school.

(b) The effort set forth in paragraph (1) shall include, but need not be limited to, information regarding available care services, preschool programs, and educationally based kindergarten readiness programs. The school district may coordinate this effort with local parent-teacher organizations.

(c) “Reasonable effort” as used in this subdivision does not require that the school district individually contact every potential parent who resides within the school district.

(d) The school district shall provide assistance to parents or guardians who request assistance regarding activities that parents may initiate in preparing children for school.

(e) At a minimum, participating school districts shall supply parents or guardians with written readiness guidelines developed by the State Department of Education.

(f) Assistance provided pursuant to this section shall be based on generally accepted child development theory and may include information related to social and development readiness and professional consultations with teachers and school administrators.



(g) The participating school district shall make reasonable efforts to collect data and make it available to the independent evaluator, as specified in Section 48005.45.

48005.20. (a) Participating school districts shall offer enrollment in a kindergarten readiness program to eligible children in order to receive funding pursuant to this article. Participation by parents and children in a kindergarten readiness program shall be voluntary.

(b) The school district shall offer a kindergarten readiness program to any eligible child who preenrolls in kindergarten, and may offer it to eligible children who do not preenroll.

(c) For purposes of this article, an eligible child is any child in the school district who will become eligible to enter kindergarten in the following year pursuant to Section 48005.25.

(d) Priority for enrollment in a kindergarten readiness program shall be provided to any child who has not previously attended a public or private preschool program.

(e) The kindergarten readiness program offered by a school district pursuant to this section shall consist solely of components designed to enhance the skills that are necessary for success in later education and shall include, but need not be limited to, all of the following:

(1) At least 110 hours of kindergarten readiness activities and instruction.

(2) Programs that assist pupils in developing the motor and cognitive skills, including, but not limited to language development, required to be successful in kindergarten.

(3) Activities that socialize pupils to the discipline of the school environment.

45005.25. (a) Notwithstanding any provision of law to the contrary, including, but not limited to, Section 48000, for the 2001–02 school year, and each school year thereafter in which a school district continues to participate in the program, the school district shall offer admission to kindergarten at the beginning of the school year, or at a later time in the same school year, only to children who will have their fifth birthday on or before September 1 of that school year.

(b) Notwithstanding any provision of law to the contrary, including, but not limited to, Section 48010, for the 2001–02 school year, and each school year thereafter in which a school district continues to participate in the program, a school district shall offer admission to first grade at the beginning of the school year, or at a later time in the same school year, only to children who will have their sixth birthday on or before September 1 of that school year. Kindergarten shall not be a prerequisite for enrollment in first grade pursuant to this article.

(c) Notwithstanding subdivisions (a) and (b), the governing board of each school district participating in this program shall adopt a policy to allow, for good cause, admission of a child to kindergarten



or to the first grade at the beginning of a school year in which the child's birthday will be after September 1, or at a later time in the same school year.

45005.30. (a) For the 2001–02 school year the Superintendent of Public Instruction shall allocate a grant of funds for a participating school district as follows:

(1) A grant provided for each year of participation to cover the costs of developing and operating the school district kindergarten readiness program, including, but not limited to, the costs of administration and the costs associated with services provided to parents and children in the program. For any participating school district, annual funding pursuant to this paragraph shall not exceed the per-pupil amounts set forth in subparagraphs (A) or (B) multiplied by a number equal to 50 percent of the entire annual kindergarten enrollment of the school district:

(A) Five hundred dollars (\$500) for every child participating in the kindergarten readiness program for 110 hours.

(B) Seven hundred fifty dollars (\$750) for every child participating in the kindergarten readiness program for 150 or more hours.

(2) Funding necessary to fully mitigate the financial impact upon the school district of the reduced attendance that results from the program, to be determined as follows:

(A) Multiply one-fourth of the kindergarten average daily attendance for the 2000–01 school year by the school district's base revenue limit per unit of average daily attendance.

(B) From the 2000–01 school year funded average daily attendance subtract the 2001–02 school year funded average daily attendance for the participating school district's base revenue limit. If the difference is zero or less, the result of this calculation shall be zero. If the difference is greater than zero, multiply the difference by the district's base revenue limit per unit of average daily attendance.

(C) From the product of subparagraph (A) subtract the result of subparagraph (B). If the result of subparagraph (B) is greater than the product of subparagraph (A), then this calculation shall be zero.

(b) For the 2002–03 school year, and each school year thereafter in which the school district participates in the program up to and including the 2007–08 school year, the Superintendent of Public Instruction shall allocate a grant of funds for a participating school district as follows:

(1) A grant provided for each year of participation to cover the costs of developing and operating the school district kindergarten readiness program, including, but not limited to, the costs of administration and the costs associated with services provided to parents and children in the program. For any participating school district, annual funding pursuant to this paragraph shall not exceed



the per-pupil amounts set forth in subparagraph (A) or (B) multiplied by a number equal to 50 percent of the entire annual kindergarten enrollment of the school district:

(A) Five hundred dollars (\$500) for every child participating in the kindergarten readiness program for 110 hours.

(B) Seven hundred fifty dollars (\$750) for every child participating in the kindergarten readiness program for 150 or more hours.

(2) Funding necessary to fully mitigate the financial impact upon the school district of the reduced attendance that results from the program to be calculated by multiplying one-fourth of the kindergarten average daily attendance for the 2000–01 school year, by the school district’s base revenue limit per unit of average daily attendance, adjusted annually for cost of living as provided generally for school district base revenue limits.

(c) In addition to providing funding for costs associated with current annual operation of the program as set forth in subdivisions (a) and (b), it is the intent of the Legislature to establish a mechanism to provide sufficient funding in future years to ensure that participant school districts are annually provided funding to fully mitigate any ongoing financial consequences from reduced enrollment due to participation in the program for every school year up to and including the 2013–14 school year.

(d) (1) Total annual funding for mitigation of lost revenues due to reduced enrollment provided pursuant to this article shall be subject to a statewide annual maximum funding level equal to the equivalent of 2,300 full annual units of average daily attendance.

(2) It is the intent of the Legislature that the annual funding mechanism to be provided for subsequent school years as described in subdivision (c) be subject to a similar maximum statewide level of funding as set forth in paragraph (1).

48005.33. The State Allocation Board shall adopt regulations to ensure that school districts are not adversely affected with regard to access to state funding for school facilities pursuant to the Leroy F. Greene School Facilities Act of 1998 (Chapter 12.5 (commencing with Section 17070.10) of Part 10) due to loss of enrollment based upon participation in this program.

48005.35. (a) A school district kindergarten readiness program operated pursuant to this article is exempt from Chapter 14 (commencing with Section 15000) and Chapter 19 (commencing with Section 17906) of Division 1 of Title 5 of the California Code of Regulations if the program meets kindergarten staffing and safety requirements.

(b) Notwithstanding any other provision of law to the contrary, including, but not limited to, subdivision (a) of Section 17285, a commercial building that does not meet the requirements of Section 17820, that is leased to a school district may, until January 1, 2003, be



used as a classroom in order to accommodate programs under this article if the governing board of the school district finds that conditions of subdivision (b) of Section 17285 have been met.

(c) Any teacher participating in the kindergarten readiness program shall be a holder of a permit or credential issued by the Commission on Teacher Credentialing that authorizes instruction in kindergarten or child care and development.

48005.40. (a) Notwithstanding any other provision of law, in calculating “changes in enrollment” for purposes of paragraph (2) or (3) of subdivision (b) of Section 8 of Article XVI of the California Constitution, average daily attendance for participating school districts so that for the computation of the change between the 2000–01 and 2001–02 fiscal years, the 2001–02 average daily attendance shall be calculated with each unit of participating kindergarten attendance counting as one and one-third of one unit of average daily attendance.

(b) The Legislature finds and declares that subdivision (a) of this section is consistent with subdivision (f) of Section 8 of Article XVI of the California Constitution and is required by subdivision (d) of Section 41204, in order to neutralize the effect of the impact that the change of the age that a participating pupil may enter kindergarten pursuant to this article will have on the average daily attendance used for the purpose of calculating changes in enrollment pursuant to paragraphs (2) and (3) of subdivision (b) of Section 8 of Article XVI of the California Constitution.

48005.45. (a) The Superintendent of Public Instruction shall, by June 1, 2002, contract for an independent longitudinal evaluation regarding the effects of the change in the entry age for kindergarten and first grade pursuant to this article. In selecting the independent evaluator, awarding the contract pursuant to this section, and in monitoring performance under the contract, the Superintendent of Public Instruction shall consult with the advisory panel convened pursuant to subdivision (b) of Section 48005.13.

(b) The evaluation shall be based upon samples of sufficient size and diversity to allow results to be reported separately for pupils of different ethnicity, socioeconomic status, and primary language, and results of the evaluation shall be so reported.

(c) The primary purpose of the evaluation is to determine whether this entry age change results in improved readiness for school and an improvement in academic achievement among participating children.

(d) The evaluation shall use representative sampling to identify the change’s effects on all of the following:

(1) Academic achievement, as measured by standardized tests, as compared with pupils not participating in the program.



(2) Behavioral problems, as measured by objective data including, but not limited to, suspension and expulsion rates, as compared with pupils not participating in the program.

(3) Academic problems, as measured by referrals to special education and remedial programs, as compared with pupils not participating in the program.

(4) Age of kindergarten entry and previous educationally based preschool experience, including, but not limited to, access to child care and preschool by parents or guardians.

(5) Overall retention rates in kindergarten and in subsequent grades.

(6) Participation in remedial, supplemental, or summer school programs.

(7) Class size.

(8) Number of pupils participating in kindergarten.

(9) Number of pupils participating in the kindergarten readiness programs.

(10) Differences, if any, between programs with full preschool participation, and those with partial or no preschool.

(11) Childcare difficulties caused by the admission age change.

(12) Demographic breakdown of participants and nonparticipants, including, but not limited to, socioeconomic and ethnic demographics.

(13) Facilities difficulties, if any, encountered by participating school districts.

(14) The ability of parents to gain access to the program, disaggregated by ethnic, primary language, and socioeconomic status.

(e) It is the intent of the Legislature that funding for this evaluation be included in the Budget Act or a bill related to the Budget Act. It is the intent of the Legislature to subsequently increase the number of hours funded for the kindergarten readiness program if the reports pursuant to this section indicate that the increase would be beneficial.

(f) (1) The independent evaluator shall report to the Legislature, the Governor, the Superintendent of Public Instruction, the State Board of Education, and the Secretary for Education.

(2) The initial report shall be filed by June 1, 2005. The interim report shall be filed by January 1, 2007. The final report shall be filed by January 1, 2008.

48005.50. (a) The sum of one hundred thousand dollars (\$100,000) is hereby appropriated from the General Fund to the Office of the Superintendent of Public Instruction for a statewide public information campaign to notify school districts and parents of the availability and goals of the Kindergarten Readiness Pilot Program.



(b) The State Board of Education may adopt regulations related to the administration of the article and the distribution of funding for purposes of this article. The regulations shall preserve the flexibility of school districts to design and operate kindergarten readiness programs within the parameters established by this article.

48005.55. This article shall become inoperative on June 1, 2010, and, as of January 1, 2011, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2011, deletes or extends the dates on which it becomes inoperative and is repealed.

