

AMENDED IN ASSEMBLY APRIL 14, 1999
AMENDED IN ASSEMBLY MARCH 9, 1999
AMENDED IN ASSEMBLY FEBRUARY 11, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 90

**Introduced by Assembly Members Runner and
Strom-Martin**

December 10, 1998

An act to amend Sections 48000 and 48010 of, and to add Sections 14022.7 and 42238.20 to, the Education Code, relating to pupils.

LEGISLATIVE COUNSEL'S DIGEST

AB 90, as amended, Runner. Pupils: age of admission.

(1) 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 first 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 instead require 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 November 1 of the school year for the 2000–01 school year, on or before October 1 for the 2001–02

school year, and on or before September 1 for the 2002–03 school year, and each school year thereafter. This bill would also require 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 those dates. To the extent those changes impose new administrative duties on the governing boards of school districts in implementing the changes, they would impose a state-mandated local program.

This bill, for the 2000–01, 2001–02, and 2002–03 school years only, would permit a child who is not 5 or 6 years of age on or before September 1 to be admitted to kindergarten and first grade respectively, at the request of his or her parents or guardians. The bill would also authorize the governing board of any school district, for the 2002–03 school year, and each school year thereafter, to establish a district tribunal, with teachers, counselors, and administrators appointed as determined by the governing board, for the purposes of determining on a case-by-case basis whether extraordinary circumstances exist to support the admission of a child to kindergarten in a year in which the child is not 5 years of age on September 1 to determine whether extraordinary circumstances exist to support the admission of a child to first grade in a year in which the child is not 6 years of age on September 1. Upon a determination that extraordinary circumstances exist, the child may be admitted to kindergarten or first grade.

(2) Existing law sets forth a method for computing the state aid portion of the amount of revenue limit per unit of average daily attendance moneys to be allocated to school districts each fiscal year. Existing law also sets forth a method for computing the average daily attendance of pupils for this purpose. Section 8 of Article XVI of the California Constitution (Proposition 98) sets forth a formula for computing the minimum amount of General Fund revenues that the state is required to appropriate for the support of school districts, as defined, and community college districts for each fiscal year. That formula is adjusted in certain fiscal years for changes in pupil enrollment, as specified.



This bill would make various legislative findings and declarations with respect to the impact the change in the enrollment date for kindergarten would have on the amount of state aid a school district would receive for revenue limit purposes and the amount that the state is required to appropriate for the purposes of meeting the state's minimum funding obligation to school districts, as defined, and community college districts, under Proposition 98.

This bill, to compensate school districts for the loss in average daily attendance resulting from changing the age at which children are required to be admitted to kindergarten, would increase the number of units of average daily attendance (ADA) computed for a school district for the purpose of computing the revenue limit of the school district for each of the 2000–01 to 2015–16 fiscal years, inclusive, according to a specified formula.

This bill would require that, in calculating “changes in enrollment” between each of the 1997–98 to 2012–13 fiscal years, inclusive, and the fiscal year immediately preceding each of those fiscal years for purposes of paragraph (2) or (3) of subdivision (b) of Section 8 of Article XVI of the California Constitution, the computation of ADA for each of the 1998–99 to 2012–13 fiscal years, inclusive, shall include the total statewide number of units of ADA computed for those fiscal years to compensate school districts for the loss in ADA resulting from this bill.

(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, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

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. (a) The Legislature hereby finds and
2 declares the following:

3 (1) By changing the age at which children generally
4 enter kindergarten, California’s children will be better
5 prepared to enter into the academic environment that is
6 required by the kindergarten curriculum.

7 (2) The change described in paragraph (1) will result
8 in a decrease in the number of pupils enrolled in the
9 kindergarten class over a three-year period and that
10 decreased enrollment will affect the class size in each
11 subsequent grade level through and including the
12 2015–16 school year. It is estimated that there will be a 25
13 percent decrease in the enrollment of kindergarten
14 classes over this three-year period that will affect the
15 subsequent grade levels over the 15-year period.

16 (3) The decrease in enrollment described in
17 paragraph (2) will necessarily decrease the number of
18 units of average daily attendance that a school district
19 may claim for the purpose of computing the amount of
20 state revenue limit aid a school district may receive,
21 thereby reducing the amount of state aid school districts
22 receive for revenue limit purposes. Due to the definition
23 of “changes in enrollment” in Section 14022.7 of the
24 Education Code, that decrease will also affect the
25 computation of the state’s minimum funding obligation
26 to school districts and community college districts under
27 paragraphs (2) and (3) of subdivision (b) of Section 8 of
28 Article XVI of the California Constitution, which requires
29 adjustments to be made to that computation for changes
30 in enrollment.

31 (b) It is further the intent of the Legislature that
32 school districts expend the amounts allocated pursuant to
33 Section 42238.20 of the Education Code for the purposes
34 of class size reduction, school facilities, deferred
35 maintenance, and preschool programs for at-risk
36 children.

37 SEC. 2. Section 14022.7 is added to the Education
38 Code, to read:



1 14022.7. (a) Notwithstanding any other provision of
2 law, in calculating “changes in enrollment” between each
3 of the 1999–2000 to 2015–16 fiscal years, inclusive, and the
4 fiscal year immediately preceding each of those fiscal
5 years under this article for purposes of paragraph (2) or
6 (3) of subdivision (b) of Section 8 of Article XVI of the
7 California Constitution, the computation of average daily
8 attendance for each of the 2000–01 to 2015–16 fiscal years,
9 inclusive, shall include the total statewide number of
10 units of average daily attendance computed for those
11 fiscal years pursuant to Section 42238.20.

12 (b) Notwithstanding any other provision of law, in
13 calculating “changes in enrollment” between the 2015–16
14 fiscal year and the 2016–17 fiscal year under this article for
15 purposes of paragraph (2) or (3) of subdivision (b) of
16 Section 8 of Article XVI of the California Constitution, the
17 computation of average daily attendance for the 2015–16
18 fiscal year shall include the total statewide number of
19 units of average daily attendance computed for that fiscal
20 year pursuant to Section 42238.20.

21 SEC. 3. Section 42238.20 is added to the Education
22 Code, to read:

23 42238.20. (a) To compensate school districts for the
24 loss in average daily attendance resulting from changing
25 the age at which children are required to be admitted to
26 kindergarten pursuant to Section 48000, the number of
27 units of average daily attendance computed for a school
28 district pursuant to Section 42238.5 for the purpose of
29 computing the revenue limit of the school district
30 pursuant to Section 42238 shall be increased for each of
31 the 2000–01 to 2015–16 fiscal years, inclusive, as follows:

32 (1) For each of the 2000–01 to 2015–16 fiscal years,
33 inclusive, determine the total number of units of average
34 daily attendance generated for the current fiscal year by
35 pupils enrolled in the classes of pupils who entered into
36 kindergarten in the 2000–01, 2001–02, and 2002–03 school
37 years.

38 (2) Multiply the number determined in paragraph (1)
39 by 1.0909.

1 (b) The number of units of average daily attendance
2 computed pursuant to Section 42238.5 shall be increased
3 pursuant to subdivision (a) for those classes of pupils who
4 entered into kindergarten in each of the 2000–01, 2001–02,
5 and 2002–03 school years, as those classes move from
6 kindergarten to grade 12, as follows:

7 (1) School districts having a kindergarten and grades
8 1 to 12, inclusive, shall increase the number of units of
9 average daily attendance generated by the classes of
10 pupils who entered into kindergarten in each of the
11 2000–01, 2001–02, and 2002–03 school years, for each of the
12 2000–01 to 2015–16 fiscal years, inclusive.

13 (2) Elementary school districts having a kindergarten
14 and grades 1 to 8, inclusive, shall increase the number of
15 units of average daily attendance generated by the classes
16 of pupils who entered into kindergarten in each of the
17 2000–01, 2001–02, and 2002–03 schools years, for each of
18 the 2000–01 to 2011–12 fiscal years, inclusive.

19 (3) High school districts having grades 9 to 12,
20 inclusive, shall increase the number of unit of average
21 daily attendance generated by the classes of pupils who
22 entered into kindergarten in each of the 2000–01, 2001–02,
23 and 2002–03 school years, for each of the 2009–10 to
24 2015–16 fiscal years, inclusive.

25 (4) Elementary school districts having a kindergarten
26 and grades 1 to 6, inclusive, shall increase the number of
27 units of average daily attendance generated by the classes
28 of pupils who entered into kindergarten in each of the
29 2000–01, 2001–02, and 2002–03 school years, for each of the
30 2000–01 to 2009–10 fiscal years, inclusive.

31 (5) High school districts having grades 7 to 12,
32 inclusive, shall increase the number of units of average
33 daily attendance generated by the classes of pupils who
34 entered into kindergarten in each of the 2000–01, 2001–02,
35 and 2002–03 school years, for each of the 2007–08 to
36 2015–16 fiscal years, inclusive.

37 SEC. 4. Section 48000 of the Education Code is
38 amended to read:

39 48000. (a) For the 1999–2000 school year, a child shall
40 be admitted to a kindergarten at the beginning of a school



1 year, or at any later time in the same year if the child will
2 have his or her fifth birthday on or before December 2 of
3 that school year.

4 A child who will have his or her fifth birthday on or
5 before December 2 may be admitted to the
6 prekindergarten summer program maintained by the
7 school district for pupils who will be enrolling in
8 kindergarten in September.

9 (b) For the 2000–01 school year, a child shall be
10 admitted to a kindergarten at the beginning of a school
11 year, or at any later time in the same year, if the child will
12 have his or her fifth birthday on or before November 1 of
13 that school year.

14 (c) For the 2001–02 school year, a child shall be
15 admitted to kindergarten at the beginning of a school
16 year, or at any later time in the same year, if the child will
17 have his or her fifth birthday on or before October 1 of
18 that school year.

19 (d) For the 2002–03 school year, and each school year
20 thereafter, a child shall be admitted to kindergarten at
21 the beginning of a school year, or at any later time in the
22 same year, if the child will have his or her fifth birthday
23 on or before September 1 of that school year.

24 (e) The governing board of any school district
25 maintaining one or more kindergartens may, on a
26 case-by-case basis, admit to a kindergarten a child having
27 attained the age of five years at any time during the school
28 year with the approval of the parent or guardian, subject
29 to the following conditions:

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

32 (2) The parent or guardian is given information
33 regarding the advantages and disadvantages and any
34 other explanatory information about the effect of this
35 early admittance.

36 (f) *Notwithstanding subdivisions (b), (c), and (d) for*
37 *the 2000–01, 2001–02, and 2002–03 school years only, a*
38 *child who is five years of age on or before December 2 of*
39 *the relevant school year may be admitted at the request*
40 *of his or her parent or guardian to a kindergarten at the*



1 *beginning of a school year, or at any later time in the same*
2 *year.*

3 *(g) As an alternative to subdivision (e), for the 2002–03*
4 *school year, and each school year thereafter, the*
5 *governing board of any school district may establish a*
6 *district tribunal, with teachers, counselors, and*
7 *administrators appointed as determined by the*
8 *governing board, for the purposes of determining on a*
9 *case-by-case basis whether extraordinary circumstances*
10 *exist to support the admission of a child to kindergarten*
11 *in a year in which the child is not five years of age on*
12 *September 1, but who will be five years of age any time*
13 *during the school year. Upon a determination that*
14 *extraordinary circumstances exist, the child may be*
15 *admitted to kindergarten. The governing board of the*
16 *school district shall delineate what extraordinary*
17 *circumstances support an early admission pursuant to this*
18 *subdivision, including, but not limited to, advanced*
19 *maturity of the child, the development of the child, and*
20 *the achievement level of the child. The tribunal may be*
21 *the same tribunal established pursuant to subdivision (g)*
22 *of Section 48010.*

23 SEC. 5. Section 48010 of the Education Code is
24 amended to read:

25 48010. (a) For the 1999–2000 school year, a child shall
26 be admitted to the first grade of an elementary school
27 during the first month of a school year if the child will
28 have his or her sixth birthday on or before December 2
29 of that school year. For good cause, the governing board
30 of a school district may permit a child of proper age to be
31 admitted to a class after the first school month of the
32 school term.

33 (b) For the 2000–01 school year, a child shall be
34 admitted to the first grade of an elementary school during
35 the first month of a school year if the child will have his
36 or her sixth birthday on or before November 1 of that
37 school year.

38 (c) For the 2001–02 school year, a child shall be
39 admitted to the first grade of an elementary school during
40 the first month of a school year if the child will have his



1 or her sixth birthday on or before October 1 of that school
2 year.

3 (d) For the 2002–03 school year, and each school year
4 thereafter, a child shall be admitted to the first grade of
5 an elementary school during the first month of a school
6 year if the child will have his or her sixth birthday on or
7 before September 1 of that school year. good cause, the
8 governing board of a school district may permit a child of
9 proper age to be admitted to a class after the first school
10 month of the school term.

11 *(f) Notwithstanding subdivisions (b), (c), and (d) for*
12 *the 2000–01, 2001–02, and 2002–03 school years only, a*
13 *child who is six years of age on or before December 2 of*
14 *the relevant school year may be admitted at the request*
15 *of his or her parent or guardian to the first grade of an*
16 *elementary school during the first month of the relevant*
17 *school year.*

18 *(g) For the 2002–03 school year, and each school year*
19 *thereafter, the governing board of any school district may*
20 *establish a district tribunal, with teachers, counselors, and*
21 *administrators appointed as determined by the*
22 *governing board, for the purposes of determining on a*
23 *case-by-case basis whether extraordinary circumstances*
24 *exist to support the admission of a child to first grade in*
25 *a year in which the child is not six years of age on*
26 *September 1, but who will be six years old on or before*
27 *December 2 of that school year. Upon a determination*
28 *that extraordinary circumstances exist, the child may be*
29 *admitted to kindergarten. The governing board of the*
30 *school district shall delineate what extraordinary*
31 *circumstances support an early admission pursuant to this*
32 *subdivision, including, but not limited to, advanced*
33 *maturity of the child, the development of the child, and*
34 *the achievement level of the child. The tribunal may be*
35 *the same tribunal established pursuant to subdivision (g)*
36 *of Section 48000.*

37 SEC. 6. The Legislature finds and declares that
38 Section 2 of this act is consistent with subdivision (f) of
39 Section 8 of Article XVI of the California Constitution and
40 is required by subdivision (d) of Section 41204 of the



1 Education Code in order to neutralize the effect of the
2 impact that the change of the age that a pupil may enter
3 kindergarten under Section 4 of this act will have on
4 average daily attendance used for the purpose of
5 calculating changes in enrollment pursuant to
6 paragraphs (2) and (3) of subdivision (b) of Section 8 of
7 Article XVI of the California Constitution.

8 SEC. 7. Notwithstanding Section 17610 of the
9 Government Code, if the Commission on State Mandates
10 determines that this act contains costs mandated by the
11 state, reimbursement to local agencies and school
12 districts for those costs shall be made pursuant to Part 7
13 (commencing with Section 17500) of Division 4 of Title
14 2 of the Government Code. If the statewide cost of the
15 claim for reimbursement does not exceed one million
16 dollars (\$1,000,000), reimbursement shall be made from
17 the State Mandates Claims Fund.

