

ASSEMBLY BILL

No. 1967

Introduced by Assembly Member Mendoza

February 17, 2010

An act to amend Sections 48000 and 48010 of, and to add Sections 14022.7 and 42238.31 to, the Education Code, relating to pupil admission.

LEGISLATIVE COUNSEL'S DIGEST

AB 1967, as introduced, Mendoza. Pupil admission: kindergarten and first grade.

(1) Existing law requires that a child be admitted to 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. An elementary school is required to admit a child to the first grade 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 change the required birthday for kindergarten and first grade admission to November 2 for the 2012–13 school year, October 2 for the 2013–14 school year, and September 2 for the 2014–15 school year and each school year thereafter. To the extent those changes establish new administrative duties on the governing boards of school districts in implementing the changes, they would impose a state-mandated local program.

(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.

This bill, in order 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 2012–13 to 2026–27 fiscal years, inclusive, according to a specified formula.

The bill would require that, in calculating “changes in enrollment” between each of the 2011–12 to 2026–27 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 2012–13 to 2026–27 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.

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 14022.7 is added to the Education Code,
2 to read:
3 14022.7. (a) Notwithstanding any other law, in calculating
4 “changes in enrollment” between each of the 2011–12 to 2026–27
5 fiscal years, inclusive, and the fiscal year immediately preceding
6 each of those fiscal years under this article for purposes of

1 paragraph (2) or (3) of subdivision (b) of Section 8 of Article XVI
2 of the California Constitution, the computation of average daily
3 attendance for each of the 2012–13 to 2026–27 fiscal years,
4 inclusive, shall include the total statewide number of units of
5 average daily attendance computed for those fiscal years pursuant
6 to Section 42238.20.

7 (b) Notwithstanding any other law, in calculating “changes in
8 enrollment” between the 2026–27 fiscal year and the 2027–28
9 fiscal year under this article for purposes of paragraph (2) or (3)
10 of subdivision (b) of Section 8 of Article XVI of the California
11 Constitution, the computation of average daily attendance for the
12 2026–27 fiscal year shall include the total statewide number of
13 units of average daily attendance computed for that fiscal year
14 pursuant to Section 42238.20.

15 SEC. 2. Section 42238.31 is added to the Education Code, to
16 read:

17 42238.31. (a) In order to compensate school districts for the
18 loss in average daily attendance resulting from changing the age
19 at which children are required to be admitted to kindergarten
20 pursuant to Section 48000, the number of units of average daily
21 attendance computed for a school district pursuant to Section
22 42238.5 for the purpose of computing the revenue limit of the
23 school district pursuant to Section 42238 shall be increased for
24 each of the 2012–13 to 2026–27 fiscal years, inclusive, as follows:

25 (1) For each of the 2012–13 to 2026–27 fiscal years, inclusive,
26 determine the total number of units of average daily attendance
27 generated for the current fiscal year by pupils enrolled in the classes
28 of pupils who entered kindergarten in the 2012–13, 2013–14, and
29 2014–15 school years.

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

31 (b) The number of units of average daily attendance computed
32 pursuant to Section 42238.5 shall be increased pursuant to
33 subdivision (a) for those classes of pupils who entered kindergarten
34 in each of the 2012–13, 2013–14, and 2014–15 school years, as
35 those classes move from kindergarten to grade 12, as follows:

36 (1) School districts having a kindergarten and grades 1 to 12,
37 inclusive, shall increase the number of units of average daily
38 attendance generated by the classes of pupils who entered into
39 kindergarten in each of the 2012–13, 2013–14, and 2014–15 school
40 years, for each of the 2012–13 to 2026–27 fiscal years, inclusive.

1 (2) Elementary school districts having a kindergarten and grades
 2 1 to 8, inclusive, shall increase the number of units of average
 3 daily attendance generated by the classes of pupils who entered
 4 into kindergarten in each of the 2012–13, 2013–14, and 2014–15
 5 school years, for each of the 2012–2013 to 2022–23 fiscal years,
 6 inclusive.

7 (3) High school districts having grades 9 to 12, inclusive, shall
 8 increase the number of units of average daily attendance generated
 9 by the classes of pupils who entered into kindergarten in each of
 10 the 2012–13, 2013–14, and 2014–15 school years, for each of the
 11 2021–22 to 2026–27 fiscal years, inclusive.

12 (4) Elementary school districts having a kindergarten and grades
 13 1 to 6, inclusive, shall increase the number of units of average
 14 daily attendance generated by the classes of pupils who entered
 15 into kindergarten in each of the 2012–13, 2013–14, and 2014–15
 16 school years, for each of the 2012–13 to 2020–21 fiscal years,
 17 inclusive.

18 (5) High school districts having grades 7 to 12, inclusive, shall
 19 increase the number of units of average daily attendance generated
 20 by the classes of pupils who entered into kindergarten in each of
 21 the 2012–13, 2013–14, and 2014–15 school years, for each of the
 22 2019–20 to 2026–27 fiscal years, inclusive.

23 SEC. 3. Section 48000 of the Education Code is amended to
 24 read:

25 48000. (a) A child shall be admitted to a kindergarten at the
 26 beginning of a school year, or at ~~any~~ a later time in the same year
 27 if the child will have his or her fifth birthday on or before
 28 ~~December 2 of that school year.~~ *one of the following dates:*

- 29 (1) *December 2 of the 2011–12 school year.*
- 30 (2) *November 2 of the 2012–13 school year.*
- 31 (3) *October 2 of the 2013–14 school year.*
- 32 (4) *September 2 of the 2014–15 school year and each school*
 33 *year thereafter.*

34 ~~A~~
 35 (b) A child who will have his or her fifth birthday on or before
 36 ~~December 2~~ *one of the dates described in paragraphs (1) to (4),*
 37 *inclusive, of subdivision (a)* may be admitted to the prekindergarten
 38 summer program maintained by the school district for pupils who
 39 will be enrolling in kindergarten in September.

40 (b)

1 (c) The governing board of ~~any~~ a school district maintaining
 2 one or more kindergartens may, on a case-by-case basis, admit to
 3 a kindergarten a child having attained the age of five years at any
 4 time during the school year with the approval of the parent or
 5 guardian, subject to the following conditions:

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

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

11 SEC. 4. Section 48010 of the Education Code is amended to
 12 read:

13 48010. (a) A child shall be admitted to the first grade of an
 14 elementary school during the first month of a school year if the
 15 child will have his or her sixth birthday on or before ~~December~~
 16 ~~2nd of that school year.~~ *For one of the following dates:*

- 17 (1) *December 2 of the 2011–12 school year.*
- 18 (2) *November 2 of the 2012–13 school year.*
- 19 (3) *October 2 of the 2013–14 school year.*
- 20 (4) *September 2 of the 2014–15 school year and each school*
 21 *year thereafter.*

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

25 SEC. 5. If the Commission on State Mandates determines that
 26 this act contains costs mandated by the state, reimbursement to
 27 local agencies and school districts for those costs shall be made
 28 pursuant to Part 7 (commencing with Section 17500) of Division
 29 4 of Title 2 of the Government Code.