
SENATE COMMITTEE ON EDUCATION

Senator Carol Liu, Chair
2015 - 2016 Regular

Bill No: AB 713
Author: Weber
Version: June 1, 2015
Urgency: No
Consultant: Olgalilia Ramirez
Hearing Date: July 8, 2015
Fiscal: Yes

Subject: Elementary education: kindergarten

SUMMARY

This bill requires, beginning with the 2017-18 school year, a student to have completed one year of kindergarten before being admitted to the first grade and specifies that those offering or conducting private school instruction at the kindergarten level shall file notice with the Superintendent of Public Instruction (SPI).

BACKGROUND

- 1) Existing law requires every person between the ages of 6 and 18 years to attend school full-time (at least the minimum schoolday as required by statute and school districts). (Education Code § 48200)
- 2) Existing law requires a student to be admitted to kindergarten if the student will be five-years old on or before September 1 of the 2014-15 school year and every year thereafter. (EC § 48000)
- 3) Existing law authorizes school districts to admit to kindergarten, on a case-by-case basis, a student who will be five-years old during the school year, subject to the following conditions:
 - a) The governing board of the school district determines that the admittance is in the best interest of the student.
 - b) The parent is given information regarding the advantages and disadvantages and any other explanatory information about the effect of this early admittance. (EC § 48000)
- 4) Existing law requires a student to be admitted to the first grade if the student will be six-years old on or before September 1 of the 2014-15 school year and every year thereafter. (EC § 48010)

ANALYSIS

This bill requires, beginning with the 2017-18 school year, a student to have completed one year of kindergarten before being admitted to the first grade, thereby requiring kindergarten attendance. Specifically, this bill:

- 1) Requires, beginning with the 2017-18 school year, a student to have completed one year of kindergarten before being admitted to the first grade.
- 2) Adds completion of one year of kindergarten as a condition of admission to first grade, in addition to the existing condition on age-eligibility.
- 3) Specifies that a person, firm, association, partnership, or corporation offering or conducting private school instruction at elementary or high school required to file notice with the Superintendent of Public Instruction (SPI) to include those providing kindergarten instruction.
- 4) Specifies that the list of private elementary and high schools prepared and published by the SPI to include those providing kindergarten instruction.
- 5) Makes various non-substantive technical changes.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, although California has adopted statewide common core standards for kindergarten instruction, current law does not require kindergarten attendance which places some students at an educational disadvantage when entering first grade. This bill seeks to ensure that kindergarten instruction is provided to all students by requiring one year of kindergarten before attending the first grade.
- 2) ***How many students currently attend kindergarten?*** Kindergarten is considered a grade level, is factored in the calculation of average daily attendance and is included in the academic content standards, curricular frameworks and instructional materials. However, attendance in kindergarten is not mandatory and compulsory education laws begin at age 6.

The California Department of Education (CDE) estimates that between 90-95% of eligible students attend kindergarten (public and private kindergarten) and approximately 80% of eligible students attend kindergarten at a public school. The CDE's data shows that 28,000 students were enrolled in first grade in 2011-12 but were not enrolled in kindergarten the prior year, representing 5.7% of first grade enrollment. It is likely that many of those students attended private kindergarten.

Current law does not require kindergarten attendance but does require school districts to admit students into kindergarten if the parent chooses to enroll the student and the student is five-years old by September 1 (beginning with the 2014-15 school year and every year thereafter).

- 3) ***Will all five-year olds be required to attend kindergarten?*** No. This bill does not expand compulsory education laws to include five-year olds. This bill does not preclude students from being admitted to kindergarten at age six (but not older due to compulsory education laws).
- 4) ***Public or private school.*** This bill does not require students to attend kindergarten at a public school, parents would retain the option to enroll their five- or six-year old

in kindergarten at a private school. Additionally, this bill does not affect the option for families to enroll a student in private kindergarten (at age five or six) and subsequently enroll the student in first grade at a public school. Current law requires specified entities that offer or conduct private school instruction at the elementary or high school level to file notice with the Superintendent of Public Instruction (SPI). This bill specifies that those offering or conducting private school instruction at the kindergarten level must also file notice with the SPI and directs the SPI to include those providing kindergarten instruction to its published list of private elementary and high schools.

It is estimated that approximately 90-95% of age-eligible students attend kindergarten. It is unclear if schools public and private have sufficient facilities and appropriately-credentialed teachers to serve additional students. This bill requires kindergarten attendance beginning with the 2017-18 school year.

- 5) **Related Budget Activity.** Current law requires the Superintendent of Public Instruction to provide the Legislature with an evaluation of kindergarten program implementation in the state, including part-day and full-day kindergarten programs. The 2015 Budget Act appropriates funds for this purpose.
- 6) **Prior legislation.**

AB 1444 (Buchanan, 2014) similar to this bill would have required, beginning with the 2016-17 school year, a student to have completed one year of kindergarten before being admitted to the first grade. AB 1444 was vetoed by Governor Brown whose veto message read:

“Most children already attend kindergarten, and those that don’t may be enrolled in other educational or developmental programs that are deemed more appropriate for them by their families.

I would prefer to let parents determine what is best for their children, rather than mandate an entirely new grade level.”

AB 1772 (Buchanan, 2012) would have required, beginning with the 2014-15 school year, a student to have completed one year of kindergarten before being admitted to the first grade. AB 1772 was held in the Assembly Appropriations Committee.

AB 2203 (V. Manuel Perez, 2012) would have expanded compulsory education laws to include five-year olds. AB 2203 was held in the Assembly Appropriations Committee.

AB 1236 (Mullin, 2008) would have expanded compulsory education laws to include five-year olds. AB 1236 was held in the Assembly Appropriations Committee.

SUPPORT

California Catholic Conference, Inc.

California State Conference of the National Association for the Advancement of Colored People

California State PTA
California Teachers Association
First 5 California

OPPOSITION

California Right to Life Committee, Inc.
Independent Private Schools of California

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