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## SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair

2019 - 2020 Regular

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**Bill No:** SB 443 **Hearing Date:** April 3, 2019  
**Author:** Rubio  
**Version:** February 21, 2019  
**Urgency:** No **Fiscal:** Yes  
**Consultant:** Olgalilia Ramirez

**Subject:** Transitional kindergarten: average daily attendance.

### SUMMARY

This bill deletes the provision that prohibits a child admitted to transitional kindergarten who has their 5<sup>th</sup> birthday after December 2 from generating average daily attendance or being included in the enrollment or unduplicated pupil count until they turn 5 years old thereby expanding eligibility for transitional kindergarten to all four-year-old.

### BACKGROUND

#### Transitional Kindergarten

Existing law:

- 1) Establishes compulsory education, requiring children to attend school from age 6-18. (Education Code § 48200)
- 2) Requires a child to be admitted to kindergarten if the child will have his or her fifth birthday on or before one of the following dates:
  - a) December 2 of the 2011-12 school year.
  - b) November 1 of the 2012-13 school year.
  - c) October 1 of the 2013-14 school year.
  - d) September 1 of the 2014-15 school year and each year thereafter. (EC § 48000)
- 3) Defines “transitional kindergarten” as the first year of a two-year kindergarten program that uses a modified kindergarten curriculum that is age and developmentally appropriate. (EC § 48000(d))
- 4) Requires a school district or charter school that maintains a transitional kindergarten program, as a condition of receiving apportionments for transitional kindergarten, to:
  - a) Admit to transitional kindergarten in the 2012-13 school year a child who will have his or her fifth birthday between November 2 and December 2.
  - b) Admit to transitional kindergarten in the 2013-14 school year a child who will have his or her fifth birthday between October 2 and December 2.

- c) Admit to transitional kindergarten in the 2014-15 school year, and each year thereafter, a child who will have his or her fifth birthday between September 2 and December 2. (EC § 48000 (c))
- 5) Allows, with the approval of the parent, a school district or charter school to admit a child to transitional kindergarten if their fifth birthday will be after December 2, provided that the governing board of the school district determines that the admittance is in the best interest of the child and the parent is given information regarding the effect of early admittance, as specified. Such children do not generate ADA for state funding purposes until they turn five years old. (EC § 48000 (c)(3)(B)(i)(II))
- 6) Authorizes a school district or charter school to place four-year-old children enrolled in a California state preschool program into a transitional kindergarten program classroom. (EC § 48000 (h))

### State Preschool

#### Existing law:

- 1) Establishes the California State Preschool Program for purposes of providing part-day and full-day developmentally appropriate programs designed to facilitate the transition to kindergarten for three- and four-year old children in educational development, health services, social services, nutritional services, parent education and participation, evaluation, and staff development. (EC § 8235)
- 2) Provides that three- and four-year-old children are eligible for State Preschool if the family meets one of the following:
  - a) Current CalWORKs recipient.
  - b) Income eligible.
  - c) Children are recipients of protective services (abused, neglected or exploited or at risk of being abused, neglected or exploited). (EC § 8235)
- 3) Provides that three- and four-year olds are eligible for wraparound child care services to supplement part-day State Preschool if the family is eligible for State Preschool and the parents need care for at least one of the following reasons:
  - a) The child is a recipient of protective services, or at risk.
  - b) The parents are engaged in vocational training, as specified, employed or seeking employment, seeking permanent housing, or are incapacitated. (EC § 8239)

Other publically funded programs for four-year olds

Figure 7

**Several Programs Serve Preschool-Aged Children in California**

	California State Preschool	Contract or Voucher Programs <sup>a</sup>	Transitional Kindergarten	Head Start
<b>Eligibility Criteria:</b>				
Family income eligibility cap <sup>b</sup>	70 percent of state median income.	70 percent of state median income.	None.	100 percent of federal poverty level.
Income cap for family of three (2018-19) <sup>b</sup>	\$54,027	\$54,027	N/A	\$21,330
Work requirement	Yes for full-day program.	Yes.	No.	No.
Ages of children served	3- and 4-year olds.	Under age 13.	4-year olds with birthdays between September 1 and December 1.	Under age 5.
Approximate number of 3-year old and 4-year olds served (2018-19)	170,000 <sup>c</sup>	50,000	90,000	70,000 <sup>c</sup>
<b>Preschool Program Criteria:</b>				
Academic content standards	Developmentally appropriate activities designed to facilitate transition to kindergarten.	None for voucher programs. Contract programs same as State Preschool.	Locally developed, modified kindergarten curriculum.	The Head Start Early Learning Outcomes Framework.
Duration	At least 6.5 hours per day, 250 days per year for full-day program. At least three hours per day, 175 days per year for part-day program.	Varies based on parents' work schedules.	Must operate no fewer than 180 days per year. Hours per day determined by district.	Determined by local provider.
<sup>a</sup> Includes the CalWORKs child care, Alternative Payment, and General Child Care programs.				
<sup>b</sup> Reflects cap for 2018-19. Beginning in 2019-20, cap set to increase to 85 percent of state median income.				
<sup>c</sup> May count children dually enrolled in State Preschool and Head Start.				

**ANALYSIS**

This bill deletes the provision that prohibits a child admitted to transitional kindergarten who has their 5th birthday after December 2 from generating average daily attendance or being included in the enrollment or unduplicated pupil count until they turn 5 years old thereby expanding eligibility for transitional kindergarten to all four-year-old.

**STAFF COMMENTS**

- 1) **Need for the bill.** According to the author, “Transitional Kindergarten was established in 2013 as a way to serve children who would otherwise have been left out of school when the entry-age for kindergarten eligibility was moved back from December 2 to September 2. Districts are now required to offer the TK program to children who turn 5 between September 2 and December 2. Schools have the option to offer TK to children who turn five after December 2, but they only receive funding after their fifth birthday. For that reason, many districts choose to offer TK to only those children they are required by law to serve. Other districts that expanded TK beyond the bare legal minimum at their own discretion are now considering rolling back the program in the face of tight budgets. This is

a disservice to California's youngest public school students, as Transitional Kindergarten (TK) has proven to be remarkably successful.

A three-year study by the American Institutes for Research concluded "TK is effective for all groups of students who participated. It showed a particularly notable impact on language skills for English learners and mathematics skills for low-income students at kindergarten entry." In the West Covina School District, current kindergarten students who attended TK are in early literacy assessments 69 percent more likely to be on track than students of the same age who elected not to attend the program. At a time when our public school system is struggling to eliminate the achievement gap, we cannot afford to underutilize a program that has proven to be effective."

- 2) ***How would it work?*** This bill seeks to expand transitional kindergarten to all four-year-olds by allowing school districts to claim attendance funding for younger four-year olds that are born after the cut-off December 2<sup>nd</sup> date. Although the bill removes the prohibition for generating average daily attendance (ADA), admittance for this cohort of children is conditioned upon the governing board of the school district determines that the admittance is in the best interest of the child and the parent is given information regarding the effect of early admittance, as specified under existing law.
- 3) ***Transitional kindergarten.*** Transitional kindergarten is the first year of a two-year kindergarten program that uses a modified kindergarten curriculum that is age and developmentally appropriate. Transitional kindergarten currently serves "older" four-year-olds and "young" five-year-olds who have their fifth birthday after the cut-off date for kindergarten (between September 2 and December 2). Eligibility for transitional kindergarten is limited to this cohort of students because they would have been eligible for kindergarten under the previous entry-age. Children whose fifth birthday is after December 2<sup>nd</sup> may be admitted to transitional kindergarten (as developmentally appropriate), however, these students do not generate state funding until they reach their fifth birthday.

Most local educational agencies provide a four-hour or longer Transitional Kindergarten program. A recent report submitted by the California Department of Education, "*Kindergarten in California: Implementation Evaluation of Transitional Kindergarten and Kindergarten Public School Programs in California*," approximately 69 percent of California's five-year-olds with birthdays between September 2 and December 2—and who were thus eligible for Transitional Kindergarten—were enrolled in Transitional Kindergarten during the 2015-16 school year. More than half of the state's Transitional Kindergarten students (57 percent) were categorized as socioeconomically disadvantaged and 36 percent were English learners. Unlike, preschool or early education programs, transitional kindergarten teachers must meet the same requirements as kindergarten teachers to teach. They are required to hold a teaching credential.

- 4) ***California State Preschool Program also serves 4-year-olds.*** State Preschool provides both part-day (at least 3 hours per day) and full-day (at least 6.5 hours per day) services to eligible three- and four-year-olds, including: developmentally appropriate curriculum, parent education, meals and snacks,

and referral to social and health services for families. State Preschool can be offered in various settings, including child care centers, family child care network homes, school districts, or county offices of education. Approximately two-thirds of children in State Preschool are served by local education agencies, and the remaining one-third are served by community-based organizations. State Preschool programs must have a 1:8 adult-to-child ratio, and a 1:24 teacher-to-child ratio (compared to 1:33 teacher-to-child ratio for Transitional Kindergarten); teachers must have a Child Development Teacher Permit, which includes 24 units in early childhood education and/or child development and 16 general education units. According to the Legislative Analyst Office, of all subsidized preschool slots for four-year-olds in California in 2014-15, 52 percent were in State preschool, 31 percent in Transitional Kindergarten, and 18 percent in Head Start. In 2017-18 of the four-year-olds served by state-funded programs state preschool continued to serve more students than that of transitional kindergarten.

This bill would extend eligibility for transitional kindergarten to children who may be currently attending state preschool or other programs described in the background section of this analysis. Will programs currently serving these children lose funding by serving fewer four-year olds? How will loss of funding affect those programs? How will enrolling older four-years affect, if at, commingling of children from both preschool and transitional kindergarten in the same classroom?

- 5) ***Wraparound services?*** This bill does not require transitional kindergarten to provide a full-day program, nor does this bill ensure that students who attend transitional kindergarten will have access to full-day programs. Will providers of transitional kindergarten also provide full-day programs or services? Will low-income four-year-olds continue to be eligible for State Preschool or Head Start, even if only for wraparound services provided through State Preschool or Head Start? Will students who are not eligible for subsidized programs have access to early learning or care programs for the portion of the day those students are not attending transitional kindergarten? Will families find it difficult to piece together part-day transitional kindergarten and part-day wraparound services, particularly since transitional kindergarten is not required to be offered on every schoolsite?
- 6) ***Is the offering of Transitional Kindergarten required?*** A verbal opinion by legislative counsel provides that under existing law, the offering of Transitional Kindergarten by school districts is not required in the same manner as traditional kindergarten. The author may wish to consider amending current law to ensure that the existing cohort of four-year-olds (those turning five between September 2 and December 2) can access Transitional Kindergarten, before expanding the program to older children.
- 7) ***Related and prior legislation.***

AB 123 (McCarty, 2019) similar to AB 1754, among other things, seeks to ensure that all four-year-old children within the attendance boundary of a public school where at least 70 percent of enrolled pupils are eligible for free or reduced-price meals have access to a state preschool program. AB 123 has been referred to the Assembly Committee on Education.

SB 837 (Dodd, 2018) would expand eligibility for transitional kindergarten to all four-year olds, phased in over a two-year period beginning in the 2020-21 school year. SB 837 was held in the Senate Appropriations Committee.

AB 1754 (McCarty, 2018) would modify eligibility requirements for certain full-day California State Preschool Programs and additionally required the California Department of Education to develop and implement a direct certification process that uses participation data from the Medi-Cal program for certifying children into the full-day preschool programs operated by Title I schools. AB 1754 was held in the Senate Appropriations.

**SUPPORT**

Avid Center  
Baldwin Park Unified School District  
California Federation of Teachers  
California School Employees Association  
Claremont Unified School District  
Compton Unified School District  
El Monte Union High School District  
Garvey School District  
Glendora Unified School District  
Hacienda La Puente Unified School District  
Los Angeles Unified School District  
Montebello Unified School District  
Mountain View School District  
Office of the Riverside County Superintendent of Schools  
Riverside County Public K-12 School District Superintendents  
Rosemead School District  
West Covina Unified School District

**OPPOSITION**

Californians for Quality Early Learning

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