

Date of Hearing: April 30, 2014

ASSEMBLY COMMITTEE ON EDUCATION

Joan Buchanan, Chair

AB 1444 (Buchanan and Weber) – As Amended: April 22, 2014

SUBJECT: Elementary education: kindergarten

SUMMARY: Requires, beginning in the 2016-17 school year, a child to complete one year of kindergarten before he or she may be admitted to first grade.

EXISTING LAW:

- 1) Specifies that each person between the ages of 6 and 18 years, unless otherwise exempted, is subject to compulsory full-time education. Requires each person subject to compulsory full-time education and each person subject to compulsory continuation education to attend the public full-time day school or continuation school or classes and for the full time designated as the length of the schoolday by the governing board of the school district in which the residency of either the parent or legal guardian is located and each parent, guardian, or other person having control or charge of the pupil to send the pupil to the public full-time day school or continuation school or classes and for the full time designated as the length of the schoolday by the governing board of the school district in which the residence of either the parent or legal guardian is located. (Education Code (EC) Section 48200)
- 2) Specifies that unless otherwise provided, a pupil shall not be enrolled for less than the minimum schoolday established by law. (EC Section 48200)
- 3) 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 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 school year thereafter. (EC Section 48000)
- 4) Authorizes the governing board of a school district maintaining one or more kindergartens to, on a case-by-case basis, admit to kindergarten a child having attained the age of five years at any time during the school year with the approval of the parent or guardian, subject to the following conditions:
 - a) The governing board determines that the admittance is in the best interests of the child.
 - b) The parent or guardian is given information regarding the advantages and disadvantages and any other explanatory information about the effect of this early admittance. (EC 48000)

- 5) Specifies that a child shall 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 sixth 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 school year thereafter. (EC Section 48010)

- 6) Authorizes the attendance supervisor or his or her designee, a peace officer, a school administrator or his or her designee, or a probation officer to arrest or assume temporary custody, during school hours, of any minor subject to compulsory full-time education or to compulsory continuation education found away from his or her home and who is absent from school without valid excuse within the county, city, or city and county, or school district. (EC Section 48264)

FISCAL EFFECT: Unknown

COMMENTS: Background. Under current law, compulsory education begins at age 6 until age 18. Any person subject to compulsory education found away from home without a valid excuse for not attending school can be arrested by school officials or peace or probation officers. Current law does not require a child to attend kindergarten but requires school districts to admit a pupil for kindergarten if a parent wishes to enroll a child as long as the child will be five-years-old by September 1 for the 2014-15 school year and every year thereafter.

This bill requires kids to attend kindergarten before enrolling in first grade. In the 2011-12 school year, 488,742 pupils were enrolled in kindergarten out of a total enrollment of 6,220,993. The California Department of Education (CDE) also reports that 43,753 pupils attended private kindergarten programs in 2011-12. The CDE estimates that between 90-95% of pupils eligible for kindergarten actually attend kindergarten (public and private). The CDE reviewed data of kids enrolled in first grade in the 2011-12 school year but were not enrolled in kindergarten in 2010-11 and found that 28,000, or 5.7% of kids entered the public school system for the first time in first grade. It is unlikely that all 28,000 skipped kindergarten; many of these kids may have enrolled in private schools for kindergarten.

Mandatory kindergarten in other states. The Education Commission of the States reports that, as of December 2010, 19 states have mandatory kindergarten policies, including Arkansas, Connecticut, Delaware, District of Columbia, Louisiana, Maryland, Nevada, New Mexico, Ohio, Oklahoma, Puerto Rico, Rhode Island, South Carolina, South Dakota, Tennessee, Virgin Islands, Virginia, Wisconsin and West Virginia. Of the 19, 11 have compulsory education starting at age 5, the remaining eight require students to attend school beginning age 6 or older.

Benefits of kindergarten. Kids who attend kindergarten are better prepared academically and socially for first grade. For children who have not attended preschool, kindergarten is where they learn how to hold a pencil properly, follow directions, as well as the alphabets and math concepts. Kindergarten is also where they learn reading skills. Kids who enter first grade without having attended kindergarten start first grade behind those who did. First grade teachers must also spend time teaching kindergarten level academics and social skills instead of focusing

full attention on first grade standards if they have kids in their class that are entering school for the first time in first grade. Bruce Fuller, an education professor at UC Berkeley, made this statement in a 2002 Los Angeles Times article, "Compulsory, full-day kindergarten is the lost soul of public education."

A 2010 study, "Who Benefits from Kindergarten? Evidence from the Introduction of State Subsidization," shows that kindergarten has a positive effect on those who are socioeconomically disadvantaged. The study looked at outcomes – both long and short term – in the academic and labor markets based on the availability of public school kindergarten in the United States and found that kids from lower income families who attend kindergarten are less likely to be below grade level through their academic careers and earn wages 5 percent higher as adults.

This bill does not change the age of compulsory education at age 5. The author believes that all kids should be required to attend kindergarten but also believes that parents should have the ability to start them at an older age if that is what they believe to be developmentally best for their kids. A possible effect of this bill is that the age of kids in the kindergarten through grade 12 system will be older in every grade. If parents start their kids in kindergarten at age 6, then they will be older going into all remaining grades.

Arguments in support. The author states, "Research supports the importance of early childhood education. The new Common Core State Standards have academic expectations for kindergarten students. If children don't attend kindergarten, they begin first grade behind and may finish high school behind. This bill ensures all children begin first grade with the foundation for future success, while providing parents the flexibility to determine when the child is developmentally ready for kindergarten."

Arguments in opposition. The Private School Advocacy Center states, "Mandatory kindergarten creates an unjustified financial burden on two classes of citizens in the state of California. First, those that have children that will have to attend a private school one additional year. These parents, may already be suffering financially, may not be able to afford the education location of their choice or will have to go further in debt to accommodate their child. Secondly, citizens of the state of California will have to pick up the additional cost of buildings and facilities to accommodate these new students entering public schools."

Previous related legislation. AB 1772 (Buchanan), held in the Assembly Appropriations Committee suspense file in 2012, was identical to this bill.

AB 2203 (V. Manuel Perez), held in the Assembly Appropriations Committee suspense file in 2012, lowers the age of a person subject to compulsory education from age 6 to age 5 and makes a conforming change to the provision of law specifying exclusions to compulsory education.

AB 1236 (Mullin) would have lowered the age of compulsory education to from age 6 to age 5, among other proposals. The bill was held in the Assembly Appropriations Committee suspense file in 2008.

AB 634 (Wesson) would have applied the compulsory education law to a child, and the parents and guardian of a child, between the ages of five and six who is enrolled in a public school kindergarten and attends the kindergarten for at least 30 days during the school year. The bill was vetoed by Governor Gray Davis in 2002.

SB 893 (Lee), would have lowered the age of compulsory education from age 6 to age 5. The bill failed in the Senate Education Committee in 1997.

REGISTERED SUPPORT / OPPOSITION:

Support

California Teachers Association (sponsor)
California Child Development Administrators Association

Opposition

Independent Private Schools of California
Private School Advocacy Center

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