

Date of Hearing: June 15, 2022

ASSEMBLY COMMITTEE ON EDUCATION
Patrick O'Donnell, Chair
SB 70 (Rubio) – As Amended May 12, 2022

SENATE VOTE: 32-5

SUBJECT: Elementary education: kindergarten

SUMMARY: Requires a child to complete one year of kindergarten before attending first grade beginning in 2024-25, thus making kindergarten mandatory in California public schools.

Specifically, **this bill:**

- 1) Requires a child to have completed one year of kindergarten and have had their sixth birthday before September 1st, to be admitted to first grade in a public elementary school, beginning in the 2024-25 school year.
- 2) Authorizes a child to continue in kindergarten for not more than one additional school year if the child's parent or guardian and the school district agree.
- 3) Authorizes a child who has attended kindergarten for less than one full school year, is judged to be ready for first grade work, and who is at least five years of age, to be admitted to first grade at the discretion of the school administration of the district and with the consent of the child's parent or guardian.
- 4) Authorizes a child who has been enrolled in a public school of another school district within or out of state, to be placed in the grade of enrollment of the former district, at the discretion of the school administration.
- 5) Expresses the intent of the Legislature that a parent or guardian of a pupil eligible for kindergarten maintain the discretion to enroll the pupil in a public or private school kindergarten program, including homeschooling, before enrolling the pupil in the first grade of a public elementary school.

EXISTING LAW:

- 1) Requires every person between the ages of 6 and 18 years to attend school full-time for at least the minimum school day, as required by statute and school districts. (Education Code (EC) 48200)
- 2) Requires a student to be admitted to kindergarten if the student will have their 5th birthday on or before September 1. (EC 48000)
- 3) Authorizes school districts to admit to kindergarten, on a case-by-case basis, a student who will have their 5th birthday 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; and

- 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) Requires a student to be admitted to the first grade if the student will have their 6th birthday on or before September 1. (EC 48010)
- 5) Requires that a pupil in kindergarten not be kept in school on any day for more than four hours excluding recess, other than under certain conditions, as specified. (EC 46111)
- 6) Requires the minimum school day for pupils in kindergarten to be 180 minutes, inclusive of recess. (EC 46117)

FISCAL EFFECT: According to the Senate Appropriations Committee, this bill will likely result in increased average daily attendance (ADA) that will drive additional Proposition 98 General Fund costs in the low to mid hundreds of millions of dollars each year beginning with the 2022-23 school year.

COMMENTS:

Need for the bill. According to the author, “Since kindergarten is not mandatory, students that do not attend miss fundamental instruction putting them at a disadvantage in a classroom setting as they enter first grade. This current voluntary participation of kindergarten allows parents to delay their child’s entrance into school until the first grade, which leaves students unprepared for the educational environment they will encounter in elementary school. According to the National Education Association, research has shown that kindergartners who miss 10% or more school days have lower academic performance when they reach the first grade. The impact is even greater and more detrimental for students who do not attend kindergarten at all and miss a whole academic school year. In addition, concerns are rising about the opportunity gap being heightened by school closures during the COVID-19 pandemic.

Statistics show that now more than ever, kindergarten attendance is necessary to ensure all students receive critical early instruction to help avoid falling behind. Requiring kindergarten attendance will ensure students are well prepared, set them on track to learn at grade-level pace, and help avoiding having students fall behind. Kindergarten attendance is also an important aspect in reducing chronic absenteeism and closing the achievement gap.”

Kindergarten is not currently mandatory in California. Kindergarten is mandatory in 19 other states and the District of Columbia (DC). 17 states and the DC require full-day kindergarten and 39 states plus the DC require districts to offer kindergarten either full or half day (Education Commission of the States (ECS) 2020).

In California, kindergarten is considered a grade level, is factored in the calculation of ADA, and is included in the academic content standards, curriculum frameworks and instructional materials. However, attendance in kindergarten is not mandatory and compulsory education laws begin at age 6, so parents must enroll their children in school once they reach the age of 6. It is a local decision, with parental input, whether a 6-year old student will be enrolled in kindergarten or be eligible for first grade.

The California Department of Education (CDE) estimates that, pre-COVID, approximately 95% of eligible students attended a public or private kindergarten program. Approximately 80% of eligible students attended kindergarten at a public school. According to the CDE, enrollment in public schools dropped by 110,283 students in the 2021-22 school year, continuing the trend of declining enrollment in recent years. The largest decreases in enrollment were in kindergarten and 6th grade in 2020-2, and in grades 1, 4, 7 and 9 in 2021-22.

School year	Kindergarten enrollment in CA public schools
2018-19	525,758
2019-20	523,009
2020-21	462,928
2021-22	469,928

Source: CDE Dataquest

Funding for kindergarten. Schools receive the full kindergarten funding allocation from the state (\$8,935 per student in 2021-22) regardless of whether they offer part-day programs or full-day programs. In a 2017 survey by University of California, Los Angeles (UCLA), the estimated average per-student cost of providing a part-day program was \$4,277 per ADA - 54% of the cost for a full-day program at \$7,882 per ADA. While most school districts and charter schools use their kindergarten funding to provide full-day programs, 2021-22 data from the CDE indicate that approximately 22% of school sites only offer part-day programs.

School districts and charter schools also receive a K-3 grade span adjustment of 10.4% to their K-3 ADA. As a condition of receiving these funds, school districts are required to maintain an average class enrollment of no more than 24 pupils in K-3 classes, unless the district has collectively bargained alternative average class enrollment in those grades for each school site. Charter schools receive the adjustment but do not have to comply with this condition. For the 2021-22 school year, the K-3 per pupil base grant was \$8,093 per ADA and with the 10.4% grade span adjustment was \$8,935.

Research demonstrates the effectiveness of kindergarten attendance, particularly for disadvantaged children. According to the U.S. Department of Education’s (USDOE) *Early Childhood Longitudinal Study Kindergarten Class of 2010-11*, based upon a nationally representative sample of kindergarteners, Black and Latino children score significantly lower than White children in reading and math at kindergarten entry. One study found that, after controlling for child, family, and pre-K experiences, gaps do not significantly increase during kindergarten and the racial/ethnic differences in achievement and social-emotional skills are primarily a reflection of pre-K differences in these areas. The study also found that there is evidence that full-day kindergarten is particularly beneficial for children from minority groups and children from low-income households in ensuring that gaps are not widening. (Iruka, 2022)

Another study found that the adoption of mandatory kindergarten increased kindergarten enrollment by 12 percentage points. The authors found a marked differential benefit of mandatory kindergarten for non-White, Black, and Hispanic children in terms of educational

attainment and income, including a 5% increase for college completion compared to White children, and a 6.7% increase in total income relative to White children. (Jenkins, 2019).

Further research looked at the benefits of the increased availability of kindergarten in the U.S. The author notes that low-income and Hispanic children were significantly less likely to be below grade level as a result of access to kindergarten programs, "...the children who benefited most were the children who received lower quality care as a substitute for attending kindergarten or who were at a disadvantage at school start and were helped the most by having a transitional year prior to primary school education. In this sense, the subsidization of kindergarten helped level the playing field for those children least likely to receive high quality childcare in the absence of state-supported kindergarten." (Dhuey, 2011)

Benefits of full-day kindergarten. This bill does not require full-day kindergarten. However, there is a significant body of research demonstrating that attending full-day kindergarten improves children's academic achievement, and that the positive impact of full-day programs is greatest for low-income children. Students in full-day kindergarten do better with the transition to 1st grade, show significant gains in school socialization, and are equipped with stronger learning skills compared to students in half-day kindergarten. In the short-term, full-day kindergarten is associated with improved cognitive, literacy, math, and social skills compared to part-day programs. While there is less data on the long-term benefits of full-day kindergarten, a meta-analysis of forty research reports found that the positive association between academic achievement and full-day kindergarten lasts up to third grade. One study from the 1980s followed the academic trajectory of students at 23 different time points from kindergarten through eighth grade and consistently found higher academic performance in the full-day kindergarten group throughout the full length of the study.

The National Education Association (NEA) goals state that "full-day kindergarten for all five-year-old children should be mandated in every public school in this country. These kindergartens should support the gains children made in prekindergarten, provide time for children to explore topics in depth, give teachers opportunities to individualize instruction, and offer parents opportunities to become involved in their children's classrooms."

The NEA brief also states that parents prefer full-day kindergarten: "Full-day kindergarten provides parents with better support for their children. For parents who work outside the home, full-day kindergarten means that children do not have to be shuffled between home, school, and child care. For all parents, there is more continuity in the child's day, less disruption, and more time for focused and independent learning. One study of parent attitudes found that after the second year of a full-day kindergarten program, 100% of full-day parents and 72% of half-day parents noted that, if given the opportunity again, they would choose full-day kindergarten for their child."

Benefits of full-day kindergarten vary. Research suggests that "Larger gains in cognitive and early-literacy domains are typically found for children from disadvantaged families after attending full-day kindergarten, compared with weaker effects for middle-class or affluent youngsters. Full-day kindergarten also appears to buoy young children with disabilities, especially when skilled aides are present in the classroom with the lead teacher. Scholars have yet to establish whether benefits observed from full-day kindergarten (or TK) are conditioned by disadvantaged children's prior exposure to pre-k. Whether full-day K lifts children raised in poor communities may depend on such gains in quality and staffing levels." (Lee and Fuller, 2019)

One study examined a national dataset of kindergarteners with disabilities and found that students with disabilities in full-day kindergarten had higher reading and math scores at the end of kindergarten, but that this effect disappeared completely at the end of first grade. However, the authors note that though these gains may diminish in later grades, the benefits of full-day kindergarten may support the trajectory of students who tend to have additional needs at school-entry. (Gottfried, 2019)

Many California schools offer full-day kindergarten. A recent survey released by the CDE found that part-day kindergarten programs averaged 3.5 hours per day, whereas full-day programs averaged 5.6 hours per day. Schools operating part-day programs typically run a morning session and afternoon session in the same classroom using two teachers throughout the day. One teacher leads the class in the morning session while the other leads in the afternoon session. In contrast to part-day sessions, each full-day session requires a separate classroom and is typically assigned one full-time teacher who leads the class throughout the day. The teacher may receive assistance from an instructional aide. The state funds kindergarten through the LCFF, which provides districts the same per-student funding rate for part-day and full-day programs.” (LAO Early Education Analysis, March 2019)

The LAO report notes that as of 2017-18, 71% of school districts ran only full-day programs, 19% ran only part-day programs, and 10% ran a mix of full-day and part-day programs. The LAO estimated that 70% of kindergarten students attended a full-day program and 30% attended a part-day program.

Recommended Committee amendments. Committee Staff recommend that the bill be amended as follows: Clarify that the requirement for mandatory kindergarten and related provisions applies to charter schools as well as to school districts.

Arguments in support. LAUSD, sponsor of the bill notes, “Kindergarten is considered a grade level, is factored in the calculation of ADA and is included in the academic content standards, curriculum frameworks, and the California State Dashboard. However, compulsory education begins at age 6 and thus, attendance in kindergarten is not mandatory. Since kindergarten is optional, it can lead families to think that kindergarten is not important or that attendance is not essential.

Nationwide, the highest rates of student absenteeism occur at the pre-school/kindergarten level. Research has shown that kindergarteners who miss 10% or more school days have lower academic performance when they reach first grade. Therefore, when parents delay their child’s entrance into school until first grade or allow their child to miss a significant number of days, that student enters the first grade unprepared and at a disadvantage, which can inhibit their academic progress in later years.

LAUSD is committed to providing every student with a quality education and believes in preparing students early. Kindergarten ensures students have access to high-quality academic, social, and developmentally-appropriate experiences which provide a strong foundation for a lifetime of success. Therefore, SB 70 helps send the message that kindergarten is valuable for students and can be an important aspect in reducing chronic absenteeism and closing the achievement gap.”

Arguments in opposition. The California Homeschool Network notes, “We are writing to strongly oppose SB 70. It’s an unnecessary change to current ed code. According to the CDE, 93% of our state’s 5-year-olds already are attending public kindergarten, that is about 500,000 children. Others attend private kindergarten and more enroll in kindergarten a year later, when they are age 6, because they weren’t developmentally ready for school the previous school year.

Developmental differences vary greatly between children of this age range . Some 5-year-olds are ready, socially and cognitively, for first-grade work, and some 6-year-olds can barely make it in kindergarten, so a mandatory system doesn’t really make sense for all of our children.

Parents can currently enroll their 6-year-olds in kindergarten or first grade. This new legislation would require them to start in kindergarten regardless of their preparation and social skills — in other words, mandating 13 years of formal education instead of 12. This change will have an extremely high cost to the state, with estimates of it costing at least \$200 million a year.

Better education policy would consider both mastery and maturity, not chronological age, when determining factors for grade placement when students enroll in school. Expanding the compulsory attendance age results in an increase in government spending, increased taxation, extra stress on children, and a removal of parents' rights to make educational choices for their children.”

Related legislation. AB 1973 (McCarty) of the 2021-22 Session would require, as a condition of receiving the K-3 grade span adjustment, a school providing a kindergarten program, to provide a minimum day for the kindergarten program equivalent to the length to the minimum school day for grades 1-3, beginning with the 2027-28 school year for high needs schools and in 2030-31 for all elementary schools.

AB 966 (Burke) of the 2021-22 Session would have appropriated \$300,000 for the Full-Day Kindergarten Facilities Grant Program for the 2021-22 fiscal year. This bill was held in the Assembly Appropriations Committee.

AB 713 (Weber) of the 2015-16 Session would have required, beginning with the 2017-18 school year, a student to have completed one year of kindergarten before being admitted to the first grade. This bill was held in the Senate Appropriations Committee.

AB 1444 (Buchanan) of the 2013-14 Session would have required, beginning in the 2016-17 school year, a child to complete one year of kindergarten before he or she would be admitted to first grade. The bill was vetoed by the Governor with the following message:

This measure makes kindergarten compulsory by requiring all students to attend one year of kindergarten before entering first grade. 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) of the 2011-12 Session would have required, beginning with the 2014-15 school year, a child to complete one year of kindergarten before they are admitted to first grade. This bill was held in the Assembly Appropriations Committee.

AB 2203 (V. Manuel Perez) of the 2011-12 Session would have lowered the age of a person subject to compulsory education from age 6 to age 5 and made a conforming change to the provision of law specifying exclusions to compulsory education. This bill was held in the Assembly Appropriations Committee.

AB 1236 (Mullin) of the 2007-08 Session would have lowered the age of compulsory education from age 6 to age 5, among other proposals. The bill was held in the Assembly Appropriations Committee.

REGISTERED SUPPORT / OPPOSITION:

Support

Los Angeles Unified School District (Sponsor)
American Association of University Women - California
Baldwin Park Unified School District
California Association for Bilingual Education
California Charter Schools Association
California Federation of Teachers
California Kindergarten Association
California Latino School Boards Association
California School Employees Association
California State PTA
California Teachers Association
Californians Together
Central City Association of Los Angeles
Charter Oak Unified School District
Child360
Communities in Schools of Los Angeles
Covina-Valley Unified School District
Early Edge California
Families in Schools
First 5 California
Fresno Unified School District
Los Angeles Chamber of Commerce
Montebello Unified School District
Mountain View School District
Rosemead School District
San Diego Unified School District
Temple City Unified School District
Unite-LA
West Covina Unified School District

Opposition

California Catholic Conference
California Homeschool Network

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