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SB-70 Elementary education: kindergarten. (2021-2022)

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CALIFORNIA LEGISLATURE— 2021–2022 REGULAR SESSION

SENATE BILL

NO. 70

Introduced by Senator Rubio
(Principal coauthor: Assembly Member McCarty)
(Coauthor: Senator Min)
(Coauthors: Assembly Members Aguiar-Curry, Cristina Garcia, Muratsuchi, Quirk, Luz Rivas, Rodriguez,
Blanca Rubio, Santiago, and Ting)

December 08, 2020

An act to amend, repeal, and add Sections 48010 and 48011 of, and to add Section 48001 to, the Education Code,
relating to kindergarten.

LEGISLATIVE COUNSEL'S DIGEST

SB 70, Rubio. Elementary education: kindergarten.

(1) Under existing law, a person between the ages of 6 and 18 years who is not exempted by law is subject to compulsory full-time education. Existing law excludes a child under 6 years of age from the public schools, subject to specified exceptions.

Existing law requires a school district maintaining a kindergarten to admit a child who will have their 5th birthday on or before September 1 of the school year. Existing law also requires a child who will have their 6th birthday on or before September 1 of the school year to be admitted to the first grade of an elementary school. Existing law authorizes a child who has been lawfully

admitted to a public school kindergarten or a private school kindergarten in California and who is judged by the administration of the school district to be ready for first-grade work to be admitted to the first grade, as specified.

This bill, beginning with the 2024–25 school year, would require a child to have completed one year of kindergarten before that child may be admitted to the first grade at a public elementary school, except for a child who has been lawfully admitted to a public school kindergarten or a private school kindergarten in California, but has not yet completed one school year, and is judged to be ready for first-grade work, as specified, thereby imposing a state-mandated local program.

(2) 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 the statutory provisions noted above.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. (a) The Legislature finds and declares all of the following:

(1) Kindergarten prepares children academically and socially for future academic success. Considerable research shows that children who attend kindergarten receive significant benefits. Achievement and opportunity gaps begin as early as kindergarten, and children who attend preschool perform better than those who do not. Kindergarten becomes even more important for children who do not attend preschool, as kindergarten is where they learn important academic and social skills before entering the first grade.

(2) In comparing the long-term outcomes of children born in states with mandatory kindergarten attendance to states with voluntary kindergarten attendance, children who attend kindergarten are more likely to go to college and earn higher wages, and are less likely to experience poverty as adults.

(3) The benefits of an increased availability of kindergarten are also substantially larger for children who are Hispanic, Black, English language learners, and from immigrant households and lower income families.

(4) A 2010 study, “Who Benefits From Kindergarten? Evidence From the Introduction of State Subsidization,” shows that children from lower income families who attend kindergarten are less likely to be below grade level throughout their academic careers and earn 5 percent higher wages as adults. Kindergarten helps to level the playing field for children who are less likely to receive high-quality childcare or preschool. Hispanic children with access to kindergarten are also 17 percent less likely to be below grade level for their age, and earn wages 5 percent higher as adults.

(5) According to a 2019 study, “The Returns of an Additional Year of Schooling: The Case of State-Mandated Kindergarten,” Black and Hispanic children subjected to compulsory kindergarten experience a 5-percentage point increase in college completion relative to White children. They also experience a nearly 7-percent increase in wages and income relative to White children. There are similar differential impacts on education and income for women. These findings are extremely important given the presence of large education and earning gaps between Hispanic, Black, and White adults, and between men and women.

(b) It is the intent of the Legislature that a parent or legal guardian of a pupil eligible for kindergarten maintain the discretion to enroll the pupil in either public school kindergarten or private school kindergarten, which includes home schooling, before enrolling the pupil in the first grade of a public elementary school.

SEC. 2. Section 48001 is added to the Education Code, to read:

48001. (a) (1) Beginning with the 2024–25 school year, except as provided in Section 48011, a child shall have completed one year of kindergarten before that child may be admitted to the first grade of a public elementary school, including a charter school.

(2) For purposes of this section, transitional kindergarten shall not count towards the requirement to complete a year of kindergarten as described in paragraph (1).

(b) This section shall become operative on July 1, 2024.

SEC. 3. Section 48010 of the Education Code is amended to read:

48010. (a) A child shall be admitted to the first grade of a public elementary school, including a charter school, during the first month of a school year if the child will have their sixth birthday on or before one of the following dates:

(1) December 2 of the 2011–12 school year.

(2) November 1 of the 2012–13 school year.

(3) October 1 of the 2013–14 school year.

(4) September 1 of the 2014–15 school year and each school year thereafter.

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

(c) This section shall become inoperative on July 1, 2024, and, as of January 1, 2025, is repealed.

SEC. 4. Section 48010 is added to the Education Code, to read:

48010. (a) A child shall be admitted to the first grade of a public elementary school, including a charter school, during the first month of a school year if the child has completed one year of kindergarten and will have their sixth birthday on or before one of the following dates:

(1) December 2 of the 2011–12 school year.

(2) November 1 of the 2012–13 school year.

(3) October 1 of the 2013–14 school year.

(4) September 1 of the 2014–15 school year and each school year thereafter.

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

(c) For purposes of this section, transitional kindergarten shall not count towards the requirement to complete a year of kindergarten as described in subdivision (a).

(d) This section shall become operative on July 1, 2024.

SEC. 5. Section 48011 of the Education Code is amended to read:

48011. (a) A child who, consistent with Section 48000, has been admitted to the kindergarten maintained by a private or a public school in California or any other state, and who has completed one school year, shall be admitted to the first grade of a public elementary school, including a charter school, unless the parent or guardian of the child and the administration of the school district or charter school agree that the child may continue in kindergarten for not more than an additional school year.

(b) A child who has been lawfully admitted to a public school kindergarten or a private school kindergarten in California and who is judged by the administration of the school district or charter school, in accordance with rules and regulations adopted by the state board to be ready for first-grade work may be admitted to the first grade at the discretion of the school administration of the school district or charter school and with the consent of the child's parent or guardian if the child is at least five years of age. When a child has been legally enrolled in another public school, including a charter school, within or out of the state, the child may be admitted to school and placed in the grade of enrollment in the school of former attendance, at the discretion of the school administration of the school entered.

(c) For purposes of this section, transitional kindergarten shall not count towards the kindergarten admission and completion requirements of subdivisions (a) and (b).

(d) This section shall become inoperative on July 1, 2024, and, as of January 1, 2025, is repealed.

SEC. 6. Section 48011 is added to the Education Code, to read:

48011. (a) A child who, consistent with Section 48000, has been admitted to the kindergarten maintained by a private or a public school in California or any other state, and who has completed one school year, shall be admitted to the first grade of a public elementary school, including a charter school, unless the parent or guardian of the child and the administration of the school district or charter school agree that the child may continue in kindergarten for not more than an additional school year.

(b) A child who has been lawfully admitted to a public school kindergarten or a private school kindergarten in California, but has not yet completed one school year, and who is judged by the administration of the school district or charter school, in accordance with rules and regulations adopted by the state board, to be ready for first-grade work may be admitted to the first grade at the

discretion of the administration of the school district or charter school and with the consent of the child's parent or guardian if the child is at least five years of age. When a child has been legally enrolled in another public school, including a charter school, within or out of the state, the child may be admitted to school and placed in the grade of enrollment in the school of former attendance, at the discretion of the school administration of the school entered.

(c) For purposes of this section, transitional kindergarten shall not count towards the kindergarten admission and completion requirements of subdivisions (a) and (b).

(d) This section shall become operative on July 1, 2024.

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