

**Introduced by Senators Steinberg, Beall, Block, DeSaulnier,
Hancock, Hill, Lara, Leno, Liu, and Wolk**

(Coauthor: Assembly Member Bonta)

January 6, 2014

An act to amend Sections 46300 and 48000 of, and to add Article 1.5 (commencing with Section 48005.10) to Chapter 1 of Part 27 of Division 4 of Title 2 of, the Education Code, relating to transitional kindergarten.

LEGISLATIVE COUNSEL'S DIGEST

SB 837, as introduced, Steinberg. Schools: transitional kindergarten.

Existing law authorizes a school district or charter school to maintain a transitional kindergarten program, and, as a condition of receipt of apportionments for pupils in a transitional kindergarten program, requires the school district or charter school to comply with specified minimum age requirements for pupils participating in the transitional kindergarten program. Existing law also specifies that a transitional kindergarten program shall not be construed as a new program or higher level of service.

This bill, the Kindergarten Readiness Act of 2014, would instead require each school district or charter school that offers kindergarten to offer transitional kindergarten, and would require a child that meets specified minimum age requirements to be admitted to transitional kindergarten. The bill would authorize the average daily attendance of a school district to include the average daily attendance of pupils enrolled in transitional kindergarten and would require transitional kindergarten to receive a per pupil base grant for apportionment purposes, as specified. The bill would require transitional kindergarten to be taught by teachers and associate teachers who meet certain

requirements, and would require transitional kindergarten to include specified elements that promote integration and alignment with the early learning and child care system and the elementary education system. The bill would require a school district or charter school offering transitional kindergarten to provide public notice of the availability of transitional kindergarten and to administer transitional kindergarten, as specified. The bill would authorize a school district or charter school administering transitional kindergarten to contract with a public local agency or private local provider, or both, to participate in the delivery of transitional kindergarten. The bill would require a private local provider participating in the delivery of transitional kindergarten to be considered a public school employer, as defined, for certain purposes. By requiring school districts and charter schools that offer kindergarten to offer transitional kindergarten, the bill would impose a state-mandated local program.

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 these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. This act shall be known and may be cited as the
- 2 Kindergarten Readiness Act of 2014.
- 3 SEC. 2. (a) The Legislature finds and declare all of the
- 4 following:
- 5 (1) Recent reforms such as implementation of the common core
- 6 state standards and the local control funding formula establish
- 7 increased quality and greater equity in California's public education
- 8 system.
- 9 (2) However, these reforms do not address the reality that an
- 10 achievement gap among children is present well before children
- 11 first step through the kindergarten classroom door.
- 12 (3) Recent research shows that by the age of two, low-income
- 13 children are six months behind in language development relative

1 to their higher income peers, and that by age five, low-income
2 children are more than two years behind their higher income peers
3 in language development.

4 (4) Research also shows that California children with the largest
5 gaps in school readiness and achievement are the least likely to
6 participate in any preschool and the least likely to attend
7 high-quality preschool programs.

8 (5) Only half of California’s low-income preschoolers benefit
9 from existing state preschool programs or federal Head Start
10 programs, and only one-quarter of all children are provided with
11 transitional kindergarten.

12 (6) Children who do not read proficiently by the end of third
13 grade are four times less likely to graduate from high school on
14 time.

15 (7) Only 48% of California’s third graders tests proficient or
16 better in English language arts.

17 (8) Nationally, more than 100 studies have shown that
18 high-quality preschool significantly improves a child’s school
19 readiness and school performance.

20 (9) Numerous longitudinal studies have shown that high-quality
21 transitional kindergarten programs decrease grade retention and
22 special education placements and increase high school graduation
23 rates, college enrollment rates, and earnings in adulthood.
24 High-quality transitional kindergarten programs also decrease
25 taxpayer costs on criminal justice and welfare.

26 (10) If California were to invest in high-quality preschool
27 programs, the savings in the prison system alone are estimated to
28 reach \$1.1 billion per year due to reducing the prison population
29 by 13,000 prisoners.

30 (b) It is the intent of the Legislature in enacting the Kindergarten
31 Readiness Act of 2014 to accomplish all of the following:

32 (1) Make early childhood education in California a rational and
33 efficient system so that all of California’s four-year-old children
34 have access to a voluntary, high-quality transitional kindergarten
35 program one year before enrolling in kindergarten.

36 (2) More strategically use existing state and federal funds to
37 provide full-day, developmentally appropriate services for
38 four-year-old children from low-income families, and provide
39 high-quality early learning and care to those children who need it
40 the most.

1 (3) Ensure that children are four years of age by September 1
2 in order to attend transitional kindergarten in that academic year.

3 (4) Ensure that parents and guardians receive timely information
4 from local educational agencies about the new age requirements
5 for enrollment in transitional kindergarten that are implemented
6 pursuant to this act.

7 SEC. 3. Section 46300 of the Education Code is amended to
8 read:

9 46300. (a) In computing average daily attendance of a school
10 district or county office of education, there shall be included the
11 attendance of pupils while engaged in educational activities
12 required of those pupils and under the immediate supervision and
13 control of an employee of the *school* district or county office of
14 *education* who possessed a valid certification document, registered
15 as required by law.

16 (b) (1) For purposes of a work experience education program
17 in a secondary school that meets the standards of the California
18 State Plan for Career Technical Education, “immediate
19 supervision,” in the context of off-campus work training stations,
20 means pupil participation in on-the-job training as outlined under
21 a training agreement, coordinated by the school district under a
22 state-approved plan, wherein the employer and certificated school
23 personnel share the responsibility for on-the-job supervision.

24 (2) The pupil-teacher ratio in a work experience program shall
25 not exceed 125 pupils per full-time equivalent certificated teacher
26 coordinator. This ratio may be waived by the state board pursuant
27 to Article 3 (commencing with Section 33050) of Chapter 1 of
28 Part 20 of Division 2 under criteria developed by the state board.

29 (3) A pupil enrolled in a work experience program shall not be
30 credited with more than one day of attendance per calendar day,
31 and shall be a full-time pupil enrolled in regular classes that meet
32 the requirements of Section 46141 or 46144.

33 (c) (1) For purposes of the rehabilitative schools, classes, or
34 programs described in Section 48917 that require immediate
35 supervision, “immediate supervision” means that the person to
36 whom the pupil is required to report for training, counseling,
37 tutoring, or other prescribed activity shares the responsibility for
38 the supervision of the pupils in the rehabilitative activities with
39 certificated personnel of the *school* district.

1 (2) A pupil enrolled in a rehabilitative school, class, or program
2 shall not be credited with more than one day of attendance per
3 calendar day.

4 (d) (1) For purposes of computing the average daily attendance
5 of pupils engaged in the educational activities required of high
6 school pupils who are also enrolled in a regional occupational
7 center or regional occupational program, the school district shall
8 receive proportional average daily attendance credit for those
9 educational activities that are less than the minimum schoolday,
10 pursuant to regulations adopted by the state board; however, none
11 of that attendance shall be counted for purposes of computing
12 attendance pursuant to Section 52324.

13 (2) A school district shall not receive proportional average daily
14 attendance credit pursuant to this subdivision for a pupil in
15 attendance for less than 145 minutes each day.

16 (3) The divisor for computing proportional average daily
17 attendance pursuant to this subdivision is 240, except that, in the
18 case of a pupil excused from physical education classes pursuant
19 to Section 52316, the divisor is 180.

20 (4) Notwithstanding any other ~~provision of~~ law, travel time of
21 pupils to attend a regional occupational center or regional
22 occupational program shall not be used in any manner in the
23 computation of average daily attendance.

24 (e) (1) In computing the average daily attendance of a school
25 district, there shall also be included the attendance of pupils
26 participating in independent study conducted pursuant to Article
27 5.5 (commencing with Section 51745) of Chapter 5 of Part 28 for
28 five or more consecutive schooldays.

29 (2) A pupil participating in independent study shall not be
30 credited with more than one day of attendance per calendar day.

31 (f) For purposes of cooperative career technical education
32 programs and community classrooms described in Section 52372.1,
33 “immediate supervision” means pupil participation in paid and
34 unpaid on-the-job experiences, as outlined under a training
35 agreement and individualized training plans wherein the supervisor
36 of the training site and certificated school personnel share the
37 responsibility for the supervision of on-the-job experiences.

38 (g) (1) In computing the average daily attendance of a school
39 district, there shall be included the attendance of pupils in
40 ~~kindergarten after they have completed one school year in~~

1 kindergarten or pupils in a transitional kindergarten program after
2 they have completed one year in that program if one of the
3 following conditions is met: *transitional kindergarten and*
4 *kindergarten.*

5 (A) The school district has on file for each of those pupils an
6 agreement made pursuant to Section 48011, approved in form and
7 content by the department and signed by the pupil's parent or
8 guardian, that the pupil may continue in kindergarten for not more
9 than one additional school year.

10 (B) ~~The pupils participated in a transitional kindergarten~~
11 ~~program pursuant to subdivision (c) of Section 48000.~~

12 (2) A school district may not include for apportionment purposes
13 the attendance of any pupil for more than two years in kindergarten
14 or for more than two years in a combination of transitional
15 kindergarten and kindergarten.

16 (3) *For purposes of transitional kindergarten operated by a*
17 *private local provider pursuant to paragraph (2) of subdivision*
18 *(a) of Section 48005.20, "immediate supervision" means being*
19 *under the immediate supervision of an employee of the private*
20 *local provider who satisfies the requirements of Section 48005.35.*

21 SEC. 4. Section 48000 of the Education Code is amended to
22 read:

23 48000. (a) A child shall be admitted to a kindergarten
24 maintained by the school district at the beginning of a school year,
25 or at a later time in the same year, if the child will have his or her
26 fifth birthday on or before one of the following dates:

- 27 (1) December 2 of the 2011–12 school year.
28 (2) November 1 of the 2012–13 school year.
29 (3) October 1 of the 2013–14 school year.
30 (4) September 1 of the 2014–15 school year and each school
31 year thereafter.

32 (b) *A child shall be admitted to a transitional kindergarten*
33 *maintained by the school district at the beginning of a school year,*
34 *or at a later time in the same year, if the child will have his or her*
35 *fifth birthday between the following dates:*

- 36 (1) *September 2, 2015, to February 1, 2016, inclusive, for the*
37 *2015–16 school year.*
38 (2) *September 2, 2016, to April 1, 2017, inclusive, for the*
39 *2016–17 school year.*

1 (3) September 2, 2017, to June 1, 2018, inclusive, for the
2 2017–18 school year.

3 (4) September 2, 2018, to August 2, 2019, inclusive, for the
4 2018–19 school year.

5 (c) A child shall be admitted to a transitional kindergarten
6 maintained by the school district at the beginning of a school year,
7 or at a later time in the same year, if the child will have his or her
8 fourth birthday on or before September 1 of the 2019–20 school
9 year and each school year thereafter.

10 (b)

11 (d) The governing board of a school district maintaining one or
12 more kindergartens may, on a case-by-case basis, admit to a
13 kindergarten a child having attained the age of five years at any
14 time during the school year with the approval of the parent or
15 guardian, subject to the following conditions:

16 (1) The governing board of the school district determines that
17 the admittance is in the best interests of the child.

18 (2) The parent or guardian is given information regarding the
19 advantages and disadvantages and any other explanatory
20 information about the effect of this early admittance.

21 ~~(e) As a condition of receipt of apportionment for pupils in a
22 transitional kindergarten program pursuant to subdivision (g) of
23 Section 46300, a school district or charter school shall ensure the
24 following:~~

25 ~~(1) In the 2012–13 school year, a child who will have his or her
26 fifth birthday between November 2 and December 2 shall be
27 admitted to a transitional kindergarten program maintained by the
28 school district.~~

29 ~~(2) In the 2013–14 school year, a child who will have his or her
30 fifth birthday between October 2 and December 2 shall be admitted
31 to a transitional kindergarten program maintained by the school
32 district.~~

33 ~~(3) In the 2014–15 school year and each school year thereafter,
34 a child who will have his or her fifth birthday between September
35 2 and December 2 shall be admitted to a transitional kindergarten
36 program maintained by the school district.~~

37 (d)

38 (e) For purposes of this section, “transitional kindergarten”
39 means the first year of a two-year kindergarten program that uses
40 a modified kindergarten curriculum that is age and developmentally

1 ~~appropriate.~~ *a school-year long kindergarten readiness grade level*
 2 *that is age and developmentally appropriate for a child who will*
 3 *be four years old before September 1 of the year in which he or*
 4 *she enrolls in transitional kindergarten.*

5 ~~(e) A transitional kindergarten shall not be construed as a new~~
 6 ~~program or higher level of service.~~

7 SEC. 5. Article 1.5 (commencing with Section 48005.10) is
 8 added to Chapter 1 of Part 27 of Division 4 of Title 2 of the
 9 Education Code, to read:

10

11 Article 1.5. Kindergarten Readiness Act of 2014

12

13 48005.10. Transitional kindergarten is hereby established to
 14 do all of the following:

15

16 (a) Support all children in developing the skills necessary for
 17 success in school and life. These skills shall include, but are not
 18 limited to, all of the following:

19

20 (1) Cognitive skills such as language, early literacy, and
 19 numeracy.

20

21 (2) Social-emotional skills such as perseverance, self-control,
 21 self-esteem, motivation, and conscientiousness.

22

23 (3) Physical skills such as gross and fine motor development,
 23 and healthy eating habits.

24

24 (b) Be age and developmentally appropriate.

25

25 (c) Build on high-quality early learning and child care programs,
 26 including federal Head Start programs, to sustain the gains that
 27 children achieve attending those programs.

28

28 48005.15. (a) A school district or charter school that offers
 29 kindergarten shall make transitional kindergarten available to all
 30 eligible children and shall allow, to the greatest extent possible, a
 31 parent of an eligible child to choose the transitional kindergarten
 32 that the eligible child attends.

33

34 (b) On or before July 1, 2015, each county superintendent of
 34 schools shall conduct a review of the level of access to transitional
 35 kindergarten, state preschool, and Head Start provided to eligible
 36 children within the county. The review shall include, but is not
 37 limited to, a description of the plans of the school districts and
 38 charter schools in the county that offer kindergarten, to make
 39 transitional kindergarten available to all eligible children by the

1 2019–20 school year. The county superintendent of schools shall
2 post the results of the review on its Internet Web site.

3 (c) To encourage the efficient use of existing facilities,
4 transitional kindergarten may be operated using available classroom
5 space at a public schoolsite meeting kindergarten classroom
6 requirements, or at any public or private facility that has a child
7 care license for age-eligible children, as defined in Division 12 of
8 Title 22 of the California Code of Regulations.

9 (d) Federal funding for preschool programs, and state funding
10 annually appropriated in the Budget Act for the support of state
11 preschool programs, shall be used to provide services for eligible
12 three-, four-, and five-year-old children, including augmenting
13 transitional kindergarten to provide full-day learning and child
14 care services for participants.

15 (e) Transitional kindergarten funds shall supplement, and not
16 supplant, federal and state funding for existing child care and
17 development programs.

18 48005.20. (a) A school district or charter school offering
19 transitional kindergarten shall do both of the following:

20 (1) Provide public notice of the availability of transitional
21 kindergarten using a variety of strategies to reach and inform
22 families living in areas of poverty or high linguistic diversity,
23 including, but not limited to, providing information through
24 schoolsite councils, school advisory groups, community
25 organizations, and parent meetings.

26 (2) Administer the program for participating children. A school
27 district or charter school administering transitional kindergarten
28 may contract with a public local agency, including, but not limited
29 to, a county office of education, or a private local provider, or both,
30 to participate in the delivery of transitional kindergarten consistent
31 with the statutory requirements of transitional kindergarten.

32 (b) (1) It is the intent of the Legislature that a school district or
33 charter school offering transitional kindergarten provide
34 high-quality professional development aligned to transitional
35 kindergarten standards adopted by the state board and designed to
36 improve child learning and development. It is further the intent of
37 the Legislature that professional development for transitional
38 kindergarten teachers and associate teachers supports both of the
39 following:

1 (A) Teacher-child interactions that promote child engagement
2 and learning.

3 (B) The use of child-level and class-level data to inform
4 instructional strategies.

5 (2) Professional development for transitional kindergarten
6 teachers and associate teachers shall be aligned with the
7 professional development provided to teachers and administrative
8 staff in kindergarten and grades 1 to 3, inclusive.

9 48005.25. Transitional kindergarten shall include all of the
10 following elements to promote integration and alignment with the
11 early learning and child care system and the elementary education
12 system:

13 (a) Until statewide transitional kindergarten standards are
14 adopted, use of the research-based age and developmentally
15 appropriate preschool learning foundations of the department for
16 all eight early childhood domains and the kindergarten education
17 content standards that are aligned with elementary education
18 standards.

19 (b) Use and implementation of curriculum frameworks,
20 instructional materials, and diagnostic assessment tools that are
21 aligned with the California Preschool Learning Foundations and
22 the kindergarten education content standards.

23 (c) Inclusion in the single school plan for pupil achievement
24 and the local control and accountability plan.

25 (d) Participation in the California Longitudinal Pupil
26 Achievement Data System and the California School Information
27 Services.

28 (e) Coordination with other providers of services to young
29 children, including, but not limited to, providers of health
30 insurance, health services, including mental and behavioral health,
31 developmental screening and assessment, parent literacy and
32 education, and social services, especially through systems of care
33 provided by First 5 California programs, preschool, and school
34 health services and clinics.

35 (f) Coordination of services with full-day, full-year early
36 learning and child care programs.

37 48005.30. (a) On or before July 1, 2015, the Superintendent
38 shall develop, and the state board shall adopt, the regulations
39 necessary to implement this article and transitional kindergarten
40 and shall incorporate existing regulations and guidelines, as

1 appropriate. The state board may adopt emergency regulations for
2 purposes of this subdivision, and the adoption of emergency
3 regulations by the state board pursuant to this subdivision shall be
4 deemed necessary for the immediate preservation of the public
5 peace, health and safety, or general welfare.

6 (b) On or before July 1, 2016, the Superintendent shall develop,
7 and the state board shall adopt, transitional kindergarten standards,
8 curriculum frameworks, and instructional materials that include,
9 but are not limited to, social-emotional development, English
10 language arts, English language development, mathematics, and
11 science, that are based on the California Preschool Learning
12 Foundations and aligned to kindergarten education content
13 standards.

14 (c) On or before January 31, 2017, the state board shall revise
15 the local control and accountability plan template, adopted pursuant
16 to Section 52064, to include any changes necessary to reflect the
17 provision of high-quality transitional kindergarten to all eligible
18 children.

19 48005.35. (a) On or before July 1, 2015, all transitional
20 kindergarten classes shall be taught by a teacher who holds, at a
21 minimum, an associate degree, and has a professional development
22 plan that provides for a baccalaureate degree with at least 24 units
23 in early childhood education and a teaching credential by July 1,
24 2019.

25 (b) On or before July 1, 2019, all transitional kindergarten
26 classes shall be taught by a teacher who holds a baccalaureate
27 degree with at least 24 units in early childhood education and a
28 teaching credential.

29 (c) On or before July 1, 2015, all transitional kindergarten
30 associate teachers shall have, at a minimum, 24 units in early
31 childhood education, and a professional development plan that
32 provides for an associate degree by July 1, 2019.

33 (d) On or before July 1, 2019, all transitional kindergarten
34 associate teachers shall have an associate degree with at least 24
35 units in early childhood education.

36 (e) Commencing with the 2015–16 school year, for purposes
37 of compensation, including salary and benefits, transitional
38 kindergarten teachers and associate teachers shall provide two
39 part-day sessions per day in order to be considered full-time
40 employees.

1 (f) On or before July 1, 2015, the Superintendent, in
2 collaboration with the Commission on Teacher Credentialing, the
3 public postsecondary education system, including the California
4 Community Colleges, and private postsecondary institutions, shall
5 establish a workforce development plan for transitional
6 kindergarten teachers and associate teachers that provides for
7 adequate opportunities for existing early childhood educators to
8 obtain the necessary transitional kindergarten qualifications by
9 July 1, 2019.

10 (g) Commencing with the 2015–16 school year, transitional
11 kindergarten shall be taught by at least one teacher and one
12 associate teacher, and class size shall be limited to no more than
13 20 children.

14 48005.40. (a) Transitional kindergarten shall be eligible for
15 school facilities funding.

16 (b) Funds made available to public schools for joint use facilities
17 may be used for transitional kindergarten.

18 (c) Public local agencies or private local providers, or both,
19 participating in the delivery of transitional kindergarten are
20 encouraged to seek shared use agreements with a broad array of
21 public and private entities.

22 48005.45. Commencing with the 2015–16 school year,
23 transitional kindergarten shall receive a per pupil base grant per
24 unit of average daily attendance equal to two-thirds of the annual
25 per pupil base grant provided for in subparagraph (A) of paragraph
26 (1) of subdivision (d) of Section 42238.02, as adjusted for inflation
27 pursuant to paragraph (2) of subdivision (d) of Section 42238.02,
28 plus an additional adjustment of 10.4 percent, and a supplemental
29 grant add-on, as computed pursuant to subdivision (e) of Section
30 42238.02.

31 48005.50. For purposes of establishing collective bargaining
32 rights for employees of a private local provider of transitional
33 kindergarten pursuant to the terms of an agreement with the
34 administering school district or charter school, as a condition of
35 the receipt of funds, the private local provider shall be considered
36 a public school employer, as defined in subdivision (k) of Section
37 3540.1 of the Government Code, and Chapter 10.7 (commencing
38 with Section 3540) of Division 4 of Title 1 of the Government
39 Code, shall apply to the private local provider.

1 SEC. 6. If the Commission on State Mandates determines that
2 this act contains costs mandated by the state, reimbursement to
3 local agencies and school districts for those costs shall be made
4 pursuant to Part 7 (commencing with Section 17500) of Division
5 4 of Title 2 of the Government Code.

O