Assembly Bill No. 197

Passed the Assembly September 9, 2019

-----------------
Chief Clerk of the Assembly

-----------------
Passed the Senate September 5, 2019

-----------------
Secretary of the Senate

-----------------
This bill was received by the Governor this _____ day of ________________, 2019, at _____ o’clock _____m.

-----------------
Private Secretary of the Governor
AB 197

CHAPTER 1

An act to amend Sections 37202, 46114, 46117, and 46118 of, to amend and repeal Sections 8973, 46111, and 46119 of, and to amend, repeal, and add Section 46112 of, the Education Code, relating to kindergarten.

LEGISLATIVE COUNSEL’S DIGEST

AB 197, Weber. Full-day kindergarten.

Existing law provides that school districts offering kindergarten may maintain kindergarten classes at different schoolsites for different lengths of time.

This bill would require, commencing with the 2022–23 school year, schools in school districts offering kindergarten and charter schools serving pupils in early primary grades to implement, except as provided, at least 1 full-day kindergarten program, thereby imposing a state-mandated local program. The bill would provide that a minimum schoolday for full-day kindergarten is the same number of minutes per schoolday that is offered to pupils in 1st grade, except as provided.

This bill also would make conforming changes to other provisions of existing law.

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.

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

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

(a) All California public school kindergarten pupils deserve the opportunity to maximize their growth, development, and success at this critical time in their developmental process.
(b) Full-day kindergarten provides this opportunity through a longer instructional day that has proven to be successful where it has been implemented. School districts can obtain an example of an extended kindergarten curriculum to help them more easily transition to a full-day kindergarten program. One example curriculum that was designed for a full-day kindergarten program is available through the Los Angeles Unified School District, which has already implemented a full-day kindergarten program.

(c) Full-day kindergarten should provide time to meet the developmentally based instructional needs of the whole child. It should encompass all curricular areas, including visual and performing arts and physical education, as outlined in the state-adopted curriculum frameworks.

(d) In addition, full-day kindergarten must be a priority for school districts and reserving or obtaining space for the full-day kindergarten program must take precedence over all nonclass requirements.

SEC. 2. Section 8973 of the Education Code is amended to read:

8973. (a) Notwithstanding any other law, the kindergarten schoolday in an early primary program conducted pursuant to Section 8972 may exceed four hours, exclusive of recesses, if both of the following conditions are met:

1) The governing board of a school district declares that the extended-day kindergarten program does not exceed the length of the primary schoolday.

2) The extended-day kindergarten program takes into account ample opportunity for both active and quiet activities within an integrated, experiential, and developmentally appropriate educational program.

(b) This section shall become inoperative on July 1, 2022, and as of January 1, 2023, is repealed, unless a later enacted statute that becomes operative on or before January 1, 2023, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 3. Section 37202 of the Education Code is amended to read:

37202. (a) Except if a school has been closed by order of a city or a county board of health, or of the State Department of Public Health, on account of contagious disease, or if the school has been closed on account of fire, flood, or other public disaster,
the governing board of a school district shall maintain all of the elementary day schools established by it for an equal length of time during the school year and all of the day high schools established by it for an equal length of time during the school year.

(b) Notwithstanding subdivision (a), a school district that is implementing an early primary program, pursuant to Chapter 8 (commencing with Section 8970) of Part 6 of Division 1 of Title 1, may maintain kindergarten or transitional kindergarten classes for different lengths of time during the schoolday, either at the same or a different schoolsite, except, with respect to a kindergarten program, as provided in subdivision (c).

(c) (1) Commencing with the 2022–23 school year, each school within a school district or charter school serving pupils in early primary grades shall, except as provided in paragraph (2) of subdivision (b) of Section 46112, implement at least one full-day kindergarten program.

(2) It is the intent of the Legislature that first priority for implementation of full-day kindergarten before July 1, 2022, go to any school receiving federal Title I funds.

(d) For purposes of this section, “full-day kindergarten” means, except as otherwise provided in this chapter, instruction provided for the same number of minutes per schoolday that is offered to pupils in first grade, exclusive of noon intermissions, but inclusive of recesses, in accordance with Section 46115.

SEC. 4. Section 46111 of the Education Code is amended to read:

46111. (a) (1) A pupil in a kindergarten shall not be kept in school in any day more than four hours exclusive of recesses, except for pupils in Early Primary Programs, as set forth in Chapter 8 (commencing with Section 8970) of Part 6 of Division 1 of Title 1.

(2) A pupil in a kindergarten in a school operating on a program of multitrack year-round scheduling pursuant to subdivision (a) of Section 37670 may be kept in school on any day for 265 minutes of instruction, exclusive of recesses.

(b) This section does not apply to the Pasadena Unified School District or counties of the third class as determined pursuant to Section 28024 of the Government Code, as it read on January 1, 1977.
(c) This section does not apply to a pupil of the San Bernardino Unified School District who is determined by the principal of the school in which that pupil is enrolled, pursuant to testing, teacher recommendation, or both, to be developmentally and academically suited for a longer instructional day.

(d) This section shall become inoperative on July 1, 2022, and as of January 1, 2023, is repealed, unless a later enacted statute that becomes operative on or before January 1, 2023, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 5. Section 46112 of the Education Code is amended to read:

46112. (a) The minimum schoolday in grades 1, 2, and 3 in elementary schools, except in opportunity schools, classes, or programs, is 230 minutes, except if the governing board of a school district has prescribed a shorter length for the schoolday because of a lack of school facilities that requires double sessions, in which case the minimum schoolday in those grades shall be 200 minutes.

(b) This section shall become inoperative on July 1, 2022, and as of January 1, 2023, is repealed, unless a later enacted statute that becomes operative on or before January 1, 2023, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 6. Section 46112 is added to the Education Code, to read:

46112. (a) The minimum schoolday in grades 1, 2, and 3 in elementary schools, except in opportunity schools, classes, or programs, is 230 minutes, except if the governing board of a school district has prescribed a shorter length for the schoolday because of a lack of school facilities that requires double sessions, in which case the minimum schoolday in those grades is 200 minutes.

(b) Except as provided in paragraph (2), the minimum schoolday in a kindergarten implementing the full-day kindergarten program required by subdivision (c) of Section 37202 in elementary schools is the same number of minutes per schoolday that is offered to pupils in first grade.

(2) The minimum schoolday in a kindergarten shall be 180 minutes, pursuant to Section 46117, if the governing board of a school district has prescribed a shorter length for the schoolday because of lack of school facilities that requires double sessions.

(c) This section shall become operative on July 1, 2022.

SEC. 7. Section 46114 of the Education Code is amended to read:
46114. (a) The minimum schoolday in a kindergarten implementing the full-day kindergarten program required by subdivision (c) of Section 37202, and in grades 1, 2, and 3 in elementary schools may be computed by determining the number of minutes of attendance in any 10 consecutive schooldays and dividing that number by 10. If the resulting quotient is 230 or more, the pupils shall be deemed to have complied with Section 46112, even if the number of minutes attended in any one schoolday is less than 230, but not less than 170.

(b) The minimum schoolday in grades 4, 5, 6, 7, and 8 in elementary schools may be computed by determining the number of minutes of attendance in any 10 consecutive schooldays and dividing that number by 10. If the resulting quotient is 240 or more, the pupils shall be deemed to have complied with Section 46113, even if the number of minutes attended in any one schoolday is less than 240, but not less than 180.

(c) The minimum schoolday in kindergarten in elementary schools that are not implementing the full-day kindergarten program required by subdivision (c) of Section 37202 may be computed by determining the number of minutes of attendance in any 10 consecutive schooldays and dividing that number by 10. If the resulting quotient is 180 or more, pupils shall be deemed to have complied with Section 46117, even if the number of minutes attended in any one schoolday is less than 180, but not less than 60.

(d) A computation authorized by this section shall not result in any increase in state apportionments.

SEC. 8. Section 46117 of the Education Code is amended to read:

46117. The minimum schoolday for a pupil in a kindergarten other than a kindergarten that is implementing the full-day kindergarten program required by subdivision (c) of Section 37202 is 180 minutes inclusive of recesses, and a unit of average daily attendance shall not be credited for attendance in kindergarten classes if the minimum schoolday of those classes is less than 180 minutes.

SEC. 9. Section 46118 of the Education Code is amended to read:

46118. A single-session kindergarten class shall meet all of the following criteria:
(a) The class is maintained for a minimum of 180 minutes per schoolday, unless the kindergarten is implementing the full-day kindergarten program required by subdivision (c) of Section 37202.

(b) The kindergarten class teacher is assigned to only one session of kindergarten daily as a principal teacher.

(c) The kindergarten teacher is a full-time certificated employee.

(d) The kindergarten teacher shall be available for assistance or assignment in the instructional program of the primary grades when not involved in the kindergarten program.

SEC. 10. Section 46119 of the Education Code is amended to read:

46119. (a) The governing board of a school district that has fewer than 40 pupils enrolled in kindergarten classes may apply to the Superintendent for approval to maintain two kindergarten classes of 150 minutes each inclusive of recesses on the same day that are taught by the same teacher. The average daily attendance for those classes shall be adjusted by a multiplication factor of 0.500.

(b) This section shall become inoperative on July 1, 2022, and as of January 1, 2023, is repealed, unless a later enacted statute that becomes operative on or before January 1, 2023, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 11. 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.