



CALIFORNIA STATE BOARD OF EDUCATION

JULY 2012 AGENDA

General Waiver

<p>SUBJECT</p> <p>Request by San Jacinto Unified School District on behalf of San Jacinto Valley Academy Charter School for a waiver of California <i>Education Code</i> Section 48000(c) and (d) relating to the requirement to offer transitional kindergarten for the 2012–13 school year. State law requires each elementary or unified school district to offer transitional kindergarten to all eligible students.</p> <p>Waiver Number: 44-3-2012</p>	<p><input checked="" type="checkbox"/> Action</p> <p><input type="checkbox"/> Consent</p>
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RECOMMENDATION

Approval Approval with conditions Denial

The California Department of Education (CDE) recommends approval with the following conditions:

Should a parent/guardian whose child's fifth birthday falls between November 2 and December 2 choose to enroll the child in San Jacinto Academy Charter School, they must be given the option to enroll in either:

- a) A combination class including transitional kindergarten students and traditional kindergarten students
- b) A traditional Kindergarten

It is understood by the CDE that the San Jacinto Valley Academy has identified four children with birthdays in this range.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

In May, 2010, the State Board of Education (SBE) denied a request to waive California *Education Code (EC)* Section 48000(a), the requirement for admission to kindergarten. Currently, nine districts have submitted requests to waive *EC* Section 48000(c) and (d). However, no SBE discussion or action has occurred relating to waiving admission to transitional kindergarten.

SUMMARY OF KEY ISSUES

San Jacinto Unified School District on behalf of San Jacinto Valley Academy Charter School requests a waiver of *EC* Section 46300(g) relating to attendance for computing apportionments and of *EC* Section 48000(c) and (d), which relates to transitional

kindergarten. Senate Bill (SB) 1381 amended California *EC* to change the required birthday for admission to kindergarten and first grade and established a transitional kindergarten program beginning in the 2012–13 school year.

Kindergarten: A child needs to be 5 by:	First Grade: A child needs to be 6 by:
December 2 for the 2011–12 school year	December 2 for the 2011–12 school year
November 1 for the 2012–13 school year	November 1 for the 2012–13 school year
October 1 for the 2013–14 school year	October 1 for the 2013–14 school year
September 1 for the 2014–15 school year and each school year thereafter	September 1 for the 2014–15 school year and each school year thereafter

Senate Bill 1381 requires school districts to establish a transitional kindergarten program. A transitional kindergarten is the first year of a two-year kindergarten program that uses a modified kindergarten curriculum. Children are eligible for transitional kindergarten if they have their fifth birthday between:

- November 2 and December 2 for the 2012–13 school year;
- October 2 and December 2 for the 2013–14 school year;
- September 2 and December 2 for the 2014–15 school year and each school year thereafter.

Senate Bill 1381, when passed by the Legislature, was a significant policy decision for California’s early learning system. First, it set a new state standard for traditional kindergarten admission, and second, it created a new developmentally appropriate transitional kindergarten offering to help better prepare older four year olds for success in kindergarten and later, in life. SB 1381 guarantees the placement of all children in kindergarten or transitional kindergarten and prevents the displacement of any child who would generally be eligible for traditional kindergarten. There are approximately 45,000 children statewide who are born between November 2 and December 2 for the 2012–13 school year. If children are denied admission to transitional kindergarten, they would be too old to enroll in state preschool and too young to enroll in traditional kindergarten. Because of this change in the entry date for traditional kindergarten, these children would have no educational options and would be required to wait an entire year to enroll in school. Additionally, these displaced children would be denied the unique educational experiences that the transitional kindergarten program provides. As the kindergarten age rolls back to eventually September 1 for the 2014–15 school year, SB 1381 guaranteed that students affected by the new kindergarten entry requirements would not be displaced. Displacement of any child would create equity issues because some transitional kindergarten students would be allowed to enroll in schools within their districts while others would need to wait an entire year to enroll.

The State Superintendent of Public Instruction, Tom Torlakson, and the California Department of Education fully support transitional kindergarten and continue to move forward with the transitional kindergarten implementation plan for the 2012–13 school year. Under current law, transitional kindergarten is a requirement for districts and charter schools and is a fully funded general education program.

While it would be optimal for each elementary school to offer a transitional kindergarten class, it is understood that San Jacinto Valley Academy Charter School has identified four students for the transitional kindergarten program during the 2012–13 school year. As a result, San Jacinto Valley Academy Charter School, would be required to offer these four students the option of enrolling in a transitional kindergarten class, a kindergarten class or a combination class of kindergarten and transitional kindergarten students.

Because this is a general waiver, if the SBE decides to deny the waiver, it must cite one of the seven reasons in EC Section 33051(a). The state board shall approve any and all requests for waivers except in those cases where the board specifically finds any of the following: (1) The educational needs of the pupils are not adequately addressed. (2) The waiver affects a program that requires the existence of a schoolsite council and the schoolsite council did not approve the request. (3) The appropriate councils or advisory committees, including bilingual advisory committees, did not have an adequate opportunity to review the request and the request did not include a written summary of any objections to the request by the councils or advisory committees. (4) Pupil or school personnel protections are jeopardized. (5) Guarantees of parental involvement are jeopardized. (6) The request would substantially increase state costs. (7) The exclusive representative of employees, if any, as provided in Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code, was not a participant in the development of the waiver.

FISCAL ANALYSIS (AS APPROPRIATE)

Approval of this waiver would have no known fiscal impact.

ATTACHMENT(S)

Attachment 1: Waiver Number and information regarding each waiver (1 page).

Attachment 2: San Jacinto Unified School District (44-3-2012) General Waiver Request (3 pages). (Original waiver request is signed and on file in the Waiver Office.)