

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 586

BY EDUCATION COMMITTEE

AN ACT

1 RELATING TO EDUCATION; PROVIDING LEGISLATIVE INTENT; AMENDING SECTION
2 33-201, IDAHO CODE, TO ESTABLISH PROVISIONS RELATING TO A VOLUNTARY
3 KINDERGARTEN PREPAREDNESS PROGRAM AND TO MAKE TECHNICAL CORRECTIONS;
4 AMENDING SECTION 33-208, IDAHO CODE, TO PROVIDE THAT SCHOOL DISTRICTS
5 MAY ESTABLISH A VOLUNTARY KINDERGARTEN PREPAREDNESS PROGRAM; AMEND-
6 ING CHAPTER 2, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION
7 33-208A, IDAHO CODE, TO ESTABLISH A VOLUNTARY THREE YEAR PUBLIC KINDER-
8 GARTEN PREPAREDNESS PILOT PROGRAM, TO ESTABLISH PROVISIONS RELATING
9 TO THE SELECTION OF SCHOOL DISTRICTS, TO PROVIDE FOR AN APPLICATION,
10 TO PROVIDE FOR USE OF THE STATE DATA SYSTEM AND TO ESTABLISH PROVISIONS
11 RELATING TO PARENTAL PARTICIPATION IN THE PILOT PROGRAM; AMENDING CHAP-
12 TER 2, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-208B,
13 IDAHO CODE, TO PROVIDE FOR THE COMMENCEMENT OF THE PILOT PROGRAM SUB-
14 JECT TO CERTAIN REQUIREMENTS; REPEALING SECTION 33-201, IDAHO CODE,
15 RELATING TO SCHOOL AGE; REPEALING SECTION 33-208, IDAHO CODE, RELATING
16 TO KINDERGARTENS, KINDERGARTEN PREPAREDNESS AND CHILD ATTENDANCE NOT
17 COMPULSORY; AMENDING CHAPTER 2, TITLE 33, IDAHO CODE, BY THE ADDITION OF
18 A NEW SECTION 33-201, IDAHO CODE, TO PROVIDE A DEFINITION, TO ESTABLISH
19 PROVISIONS RELATING TO ENROLLING IN SCHOOL AND TO ESTABLISH PROVISIONS
20 RELATING TO CHILDREN WITH DISABILITIES; AMENDING CHAPTER 2, TITLE 33,
21 IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-208, IDAHO CODE, TO PRO-
22 VIDE THAT KINDERGARTENS AND CHILD ATTENDANCE IN KINDERGARTENS IS NOT
23 COMPULSORY; PROVIDING A SUNSET DATE AND PROVIDING EFFECTIVE DATES.
24

25 Be It Enacted by the Legislature of the State of Idaho:

26 SECTION 1. LEGISLATIVE INTENT. It is the intent of the Legislature to
27 establish a voluntary and limited three year public kindergarten prepared-
28 ness pilot program within five public elementary schools in this state in or-
29 der to determine the effect of such a program on participating students. No
30 child shall be required to enroll in any kindergarten preparedness program,
31 and all program information obtained, evaluated, used and published shall
32 preserve the privacy of participating students in accordance with applica-
33 ble privacy laws.

34 SECTION 2. That Section 33-201, Idaho Code, be, and the same is hereby
35 amended to read as follows:

36 33-201. SCHOOL AGE. The services of the public schools of this state
37 are extended to any acceptable person of school age. "School age" is defined
38 as including all persons resident of the state, between the ages of five (5)
39 and twenty-one (21) years. For the purposes of this section, the age of five
40 (5) years shall be attained when the fifth anniversary of birth occurs on or
41 before the first day of September of the school year in which the child is to

1 enroll in kindergarten. For the purposes of a voluntary kindergarten pre-
 2 paredness pilot program, no child may be enrolled in such program who has not
 3 attained the age of four (4) years on or before the first day of September of
 4 the school year in which the child is to enroll in the kindergarten prepared-
 5 ness program. For a child enrolling in the first grade, the age of six (6)
 6 years must be reached on or before the first day of September of the school
 7 year in which the child is to enroll. Any child of the age of five (5) years
 8 who has completed a private or public out-of-state kindergarten for the re-
 9 quired four hundred fifty (450) hours but has not reached the "school age"
 10 requirement in Idaho shall be allowed to enter the first grade.

11 For resident children with disabilities who qualify for special educa-
 12 tion and related services under the federal individuals with disabilities
 13 education act (IDEA) and subsequent amendments thereto, and applicable
 14 state and federal regulations, "school age" shall begin at the attainment
 15 of age three (3) years and shall continue through the semester of school in
 16 which the student attains the age of twenty-one (21) years.

17 SECTION 3. That Section 33-208, Idaho Code, be, and the same is hereby
 18 amended to read as follows:

19 33-208. KINDERGARTENS -- KINDERGARTEN PREPAREDNESS -- ~~AND CHILD AT-~~
 20 ~~TENDANCE NOT COMPULSORY.~~ (1) It shall not be compulsory for individual
 21 school districts to establish a kindergarten program; and it shall not be
 22 mandatory for a child who is eligible by age for attendance to enroll in an
 23 established public kindergarten.

24 (2) School districts may establish a voluntary kindergarten prepared-
 25 ness program pursuant to the provisions of section 33-208A, Idaho Code, but
 26 no school district shall be required to offer a voluntary kindergarten pre-
 27 paredness program or participate in the pilot program established by this
 28 act, nor shall any child eligible by age to enroll in a kindergarten pre-
 29 paredness program be required to enroll in such a program.

30 SECTION 4. That Chapter 2, Title 33, Idaho Code, be, and the same is
 31 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
 32 ignated as Section 33-208A, Idaho Code, and to read as follows:

33 33-208A. KINDERGARTEN PREPAREDNESS PILOT PROGRAM -- STUDENT ACHIEVE-
 34 MENT RECORDED -- RULES -- PARENTAL INVOLVEMENT. (1) There is hereby estab-
 35 lished a voluntary and limited three (3) year public kindergarten prepared-
 36 ness pilot program within five (5) public elementary schools in this state.
 37 Participating schools shall be selected in accordance with the provisions of
 38 subsection (2) of this section. The pilot program shall provide for and fund
 39 no more than five (5) kindergarten preparedness classes across the state.
 40 The maximum size of any one (1) class shall be twenty-two (22) students and
 41 the minimum size of any one (1) class shall be determined by the state depart-
 42 ment of education in collaboration with the participating district.

43 (2) The state department of education shall select five (5) school dis-
 44 tricts from among those school districts seeking selection to participate
 45 in the pilot kindergarten preparedness program. School districts selected
 46 shall establish a kindergarten preparedness program in one (1) elementary
 47 school in that district.

1 (3) Participating school districts shall, to the extent feasible, re-
2 flect the disparate sizes of school districts within this state. Partici-
3 pating school districts shall be selected by the state department of educa-
4 tion in the following manner:

5 (a) Any school district seeking to participate in the pilot program
6 shall submit an application to the state department of education by
7 January 1, 2015. Such application shall be developed by the state de-
8 partment of education and shall be made available to the state's school
9 districts by September 1, 2014. From the applicants, the department
10 shall select five (5) school districts.

11 (b) The department shall notify selected program applicants by April 1,
12 2015.

13 (c) School districts selected for the program will be expected to par-
14 ticipate for the full three (3) years of the pilot program, provided
15 however, that any school district selected for the program may request
16 that the department, in its discretion, allow the school district to opt
17 out of the program during the three (3) year period.

18 (4) A student enrolled in a kindergarten preparedness program pursuant
19 to the provisions of this section shall have their student information en-
20 tered into the state longitudinal data system, the Idaho system for educa-
21 tional excellence (ISEE). Such information shall be used to help determine
22 the efficacy of the pilot program in preparing students for kindergarten and
23 later grades.

24 (5) Each participating school district shall establish one (1) kinder-
25 garden preparedness pilot class at one (1) school in the district. No par-
26 ticipating school district shall be required to implement the program on a
27 districtwide basis. It shall be left to the discretion of each participating
28 district to determine which school in the district shall participate.

29 (6) Parents are hereby authorized and encouraged to participate in the
30 program. Parents of a child in the program will be provided a program orien-
31 tation kit, which shall include advice and strategies for parents on how to
32 effectively participate in the program as well as information on how to bet-
33 ter ensure that their child will most fully benefit from the program. The
34 orientation kit will also include books that will help parents read to their
35 child in their home. In addition to the foregoing, the following avenues for
36 parental participation shall be made available to parents:

37 (a) Parents will be allowed to participate in the classroom and
38 preschool activities as volunteers and observers;

39 (b) Parents will be invited to attend and participate in courses illus-
40 trating ways that parents can help in the classroom and at home. Train-
41 ing sessions will also be provided in the home, if requested by the par-
42 ent. Parents shall be active participants in developing such courses
43 and training efforts;

44 (c) Parents will be encouraged to work with their student in coopera-
45 tion with staff;

46 (d) Parents will be encouraged to meet with teachers and other appro-
47 priate school staff regarding their student's individual needs and
48 progress. Teachers and other staff shall ensure that such meetings are
49 conducted at a time and place that is agreeable to the parent; and

1 (e) The school shall provide for periodic home visits by appropriate
 2 staff, with a minimum of two (2) visits per student per school year. The
 3 first of such visits shall occur within sixty (60) days after enroll-
 4 ment. The purpose of such visits is to increase constructive interac-
 5 tion between parents, school staff and the student, to better ensure
 6 that the student is successful in the program. Parents may decline home
 7 visits provided for in this paragraph.

8 (7) (a) The state board of education shall promulgate rules to implement
 9 the provisions of this act. Such rules shall include requirements for
 10 the kindergarten preparedness program including, but not limited to,
 11 student data to be gathered, number of days per week and hours per day
 12 for the program, and any other provisions necessary to provide an effec-
 13 tive teaching and learning experience and to collect data necessary to
 14 determine the effectiveness of the program.

15 (b) The rules shall also govern student eligibility for the program.
 16 Any student of eligible age who resides in the attendance area of a par-
 17 ticipating school may request to enroll in the program.

18 (8) For purposes of this act, the term "school district" shall mean pub-
 19 lic school districts in this state and shall include public charter schools.

20 SECTION 5. That Chapter 2, Title 33, Idaho Code, be, and the same is
 21 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
 22 ignated as Section 33-208B, Idaho Code, and to read as follows:

23 33-208B. KINDERGARTEN PREPAREDNESS PILOT PROGRAM -- CONTINGENT ON
 24 FUNDING.

25 (1) (a) The pilot program authorized by this act shall commence with the
 26 fiscal year in which the state department of education has sufficient
 27 funds as defined in this section. As used in this section, "sufficient
 28 funds" means that the state of Idaho has received one (1) or more grants
 29 of private moneys for the pilot program totaling at least seven hundred
 30 sixty thousand dollars (\$760,000) and that the state will have avail-
 31 able to it from the grant or grants not less than two hundred ninety-
 32 three thousand dollars (\$293,000) for the first year of the program and
 33 two hundred thirty-three thousand dollars (\$233,000) per year for each
 34 of the final two (2) years of the pilot program. The receipt of such pri-
 35 vate moneys shall be certified by the department to the legislature.

36 (b) Sufficient funds shall also mean:

37 (i) For the first year of the program: a state match in an amount
 38 equal to no less than sixty-five percent (65%) of private grant
 39 moneys available for the first year of the program as described in
 40 subsection (1) (a) of this section; and

41 (ii) For the second and third years of the program: a state match
 42 in an amount equal to no less than eighty-two percent (82%) of pri-
 43 vate grant moneys available for each of the final two years of the
 44 pilot program as described in subsection (1) (a) of this section.

45 (2) It is the intent of the Legislature that the private moneys de-
 46 scribed in subsection (1) of this section shall equal no less than fifty-five
 47 percent (55%) of the costs of the pilot program.

48 (3) A district participating in the pilot program is hereby authorized
 49 to use and expend moneys not described in subsection (1) of this section on

1 the pilot program, where such moneys are provided by private or nongovern-
2 mental entities for preschool activities. Provided that such use and expen-
3 diture of such moneys is not otherwise prohibited by law.

4 SECTION 6. That Section [33-201](#), Idaho Code, be, and the same is hereby
5 repealed.

6 SECTION 7. That Section [33-208](#), Idaho Code, be, and the same is hereby
7 repealed.

8 SECTION 8. That Chapter 2, Title 33, Idaho Code, be, and the same is
9 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
10 ignated as Section 33-201, Idaho Code, and to read as follows:

11 33-201. SCHOOL AGE. The services of the public schools of this state
12 are extended to any acceptable person of school age. "School age" is defined
13 as including all persons resident of the state between the ages of five (5)
14 and twenty-one (21) years. For the purposes of this section, the age of five
15 (5) years shall be attained when the fifth anniversary of birth occurs on or
16 before the first day of September of the school year in which the child is to
17 enroll in kindergarten. For a child enrolling in the first grade, the age of
18 six (6) years must be reached on or before the first day of September of the
19 school year in which the child is to enroll. Any child of the age of five (5)
20 years who has completed a private or public out-of-state kindergarten for
21 the required four hundred fifty (450) hours but has not reached the "school
22 age" requirement in Idaho shall be allowed to enter the first grade.

23 For resident children with disabilities who qualify for special educa-
24 tion and related services under the federal individuals with disabilities
25 education act (IDEA) and subsequent amendments thereto, and applicable
26 state and federal regulations, "school age" shall begin at the attainment
27 of age three (3) years and shall continue through the semester of school in
28 which the student attains the age of twenty-one (21) years.

29 SECTION 9. That Chapter 2, Title 33, Idaho Code, be, and the same is
30 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
31 ignated as Section 33-208, Idaho Code, and to read as follows:

32 33-208. KINDERGARTENS AND CHILD ATTENDANCE NOT COMPULSORY. It shall
33 not be compulsory for individual school districts to establish a kinder-
34 garten program; and it shall not be mandatory for a child who is eligible by
35 age for attendance to enroll in an established public kindergarten.

36 SECTION 10. The provisions of Sections 1, 2, 3, 4 and 5 of this act shall
37 be in full force and effect on and after July 1, 2014. The provisions of Sec-
38 tions 1, 2, 3, 4 and 5 of this act shall be null, void and of no force and ef-
39 fect on and after July 1, 2018. The provisions of Sections 6, 7, 8 and 9 of
40 this act shall be in full force and effect on and after July 1, 2018.