

**STORAGE NAME:** h0307s1.grr

**DATE:** March 17, 1999

**HOUSE OF REPRESENTATIVES  
AS FURTHER REVISED BY THE COMMITTEE ON  
GOVERNMENTAL RULES AND REGULATIONS  
ANALYSIS**

**BILL #:** CS/HB 307

**RELATING TO:** Schools/Kindergarten Admission

**SPONSOR(S):** Committee on Education Innovation and Representatives Diaz de la Portilla and Goodlette

**COMPANION BILL(S):** SB 1740 (Compare)

**ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:**

- (1) EDUCATION INNOVATION YEAS 7 NAYS 0
- (2) EDUCATION K-12 YEAS 10 NAYS 0
- (3) GOVERNMENTAL RULES AND REGULATIONS
- (4) EDUCATION APPROPRIATIONS
- (5)

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**I. SUMMARY:**

CS/HB 307 allows children who have not fulfilled the age requirements for kindergarten on or before September 1, the opportunity to attend kindergarten provided that a readiness assessment is administered. If a child scores at least 75 percent on the readiness assessment, then the child may immediately enroll in a kindergarten program. If a child is determined not ready to enter kindergarten by the readiness assessment, he or she is subject to the admission requirements of s. 232.01(2), F.S., and must wait until the following school year to enter kindergarten.

In addition to passing the readiness assessment, the child must attain five years of age during the following extended months:

- For enrollment in 1999, age requirements must be met between September 1 and October 1, 1999.
- For enrollment in 2000, age requirements must be met between September 1 and November 1, 2000.
- For enrollment in 2001, age requirements must be met between September 1 and December 1, 2001.
- For enrollment in 2002, age requirements must be met between September 1 and January 1, 2003.

According to the Florida Department of Education (DOE), in 1996 there were 176,416 children enrolled in Florida's kindergarten classrooms. In 1999, about 66,500 turned five-years old between September and December. By phasing in this program on a one month per year basis, an estimated maximum of 16,625<sup>1</sup> students, statewide, would be eligible to take the kindergarten readiness assessment. Not all children eligible to take the assessment are expected to take the assessment. Of those who take the assessment, not all will be determined to be ready for kindergarten. The number of students entering kindergarten at a younger age is estimated to be substantially fewer than the 16,625 estimated maximum.

The fiscal impact of the committee substitute is indeterminate. However, it is expected to be negligible.

**II. SUBSTANTIVE ANALYSIS:**

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<sup>1</sup> The Department of Education identifies about 66,500 children turning five-years of age between September 1999 and December 1999 (four months). By dividing 66,500 by four, a month average is calculated (16,625 per month). By phasing-in the program one month per year, estimates calculate about 16,625 children eligible for kindergarten for program year 1999. For program year 2000, the 16,625 estimate is multiplied by two to represent a two-month extension. For program year 2001, the estimate is multiplied by three to represent a three-month extension. For program year 2001, the estimate is multiplied by four to represent a four-month extension.

A. PRESENT SITUATION:

History of Kindergarten Enrollment

The age requirement for kindergarten enrollment was established in 1965. Children who had attained five years of age on or before January 1 of the school year were eligible for admission into public kindergartens during that school year.

In 1979, the Legislature passed Ch. 79-288, L.O.F. which changed the kindergarten enrollment date from January 1 to September 1. This change was phased in on a one month per year basis for a period of four years. This law also allowed a child who turned five between September 1 and January 1 of that school year to enter kindergarten if they were determined to be ready for kindergarten.

In 1983, the Legislature passed Ch. 83-324, L.O.F., which removed the date requirements previously established. Permission to enter kindergarten if the child turned five years old after September 1 of that school year was not specifically granted.

In 1997, the Legislature passed HB 137 (Ch 97-190, L.O.F.). Included in this bill were specific technical changes to kindergarten enrollment. The bill repealed s. 232.04, F.S., and transferred kindergarten attendance language into s. 232.01, F.S.

Requirements for Kindergarten Attendance

Section 232.01, F.S., provides that children who attain five years of age on or before September 1 of the school year are eligible for admission to public kindergartens during that school year.

Readiness Assessment

Each state school district uses an unstandardized assessment to determine the readiness level of a child when he or she enters kindergarten. The readiness assessment is not used to preclude or inhibit admission. Readiness assessments are based on the 16 expectations for school readiness as established by the Department of Education (DOE). These 16 expectations are grouped into three categories:

- (1) Health and physical development
- (2) Personal, social and behavior development
- (3) Preacademic, academic and literacy development

Children who meet 75 percent or more of these expectations are determined to have met the expectations for school readiness. The specific criteria in each category are:

Health and Physical Development

- ◆ The child's immunizations are current.
- ◆ The child displays physical development appropriate for kindergarten.

Personal, Social and Behavioral Development

- ◆ The child complies with rules, limits and routines.
- ◆ The child engages successfully in kindergarten tasks.
- ◆ The child demonstrates appropriate interactions with adults.
- ◆ The child demonstrates appropriate interactions with peers.
- ◆ The child copes effectively with challenges and frustrations.
- ◆ The child demonstrates appropriate self-help skills.
- ◆ The child expresses needs appropriately.

Preacademic, Academic and Literacy Development

- ◆ The child demonstrates verbal communication skills necessary to success in kindergarten.
- ◆ The child demonstrates problem solving skills necessary to success in kindergarten.
- ◆ The child follows verbal directions.
- ◆ The child demonstrates curiosity, persistence and exploratory behavior.
- ◆ The child demonstrates interest in books and other printed materials.
- ◆ The child attends to stories.
- ◆ The child participates in art and music activities.

Current Enrollment

In 1996, the Florida Department of Education reported 176,416 children enrolled in Florida's kindergarten classrooms.

Other State's Requirements for Enrollment into Kindergarten

The Council of Chief State School Officers identifies 16 states (including Florida) with provisions requiring a child to attain five years of age by September 1. Two states, Connecticut and Vermont, require a child to be five years old on or before January 1. Eighteen states have a kindergarten enrollment cut-off date that is between September 1 and January 1. Seven states have a cut-off date prior to September 1.

**B. EFFECT OF PROPOSED CHANGES:**

Requirements for School Attendance

CS/HB 307 allows children who turn five years old after September 1, 1999, but prior to January 1, to take a kindergarten readiness assessment to determine readiness for kindergarten. This program is implemented on a one month per year basis for a period of four years. If a child is determined ready to enter kindergarten he or she may enroll at that time. If a child is determined not ready to enter kindergarten, he or she is subject to the admission requirements of section 232.01(2), F.S., and must wait until the following school year to enroll.

During the first year of the program, children who turn five after September 1, 1999, but before October 1, 1999, are eligible to take a readiness assessment. They are allowed to start school in the fall of 1999 if they are determined ready. In the following year, children born before November 1st are eligible. In the third year, students born before December 1st are eligible. In the fourth year, students born before January 1st are allowed to take the readiness assessment and start school, if successful.

Enrollment

In 1996, the Department of Education reported 176,416 children enrolled in Florida's kindergarten classrooms. By phasing in this program on a one month per year basis, an approximate maximum of 16,625 students would be eligible to take the kindergarten readiness assessment.

Not all children eligible to take the assessment are expected to take the assessment. Of those who take the assessment, not all will be determined ready for kindergarten. The number of students entering kindergarten at a younger age is estimated to be substantially fewer than the 16,625 estimated maximum.

**C. APPLICATION OF PRINCIPLES:**

1. Less Government:

a. Does the bill create, increase or reduce, either directly or indirectly:

(1) any authority to make rules or adjudicate disputes?

Yes. The Commissioner of Education may adopt rules to implement provisions allowing the readiness assessment and determining kindergarten readiness.

(2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

Yes, school districts are to administer the readiness assessment to children whose parents choose to pursue the alternative entrance option. The new test administration should have a minimal impact on the school districts because

readiness assessments are already administered to all students enrolled in kindergarten.

- (3) any entitlement to a government service or benefit?

No.

- b. If an agency or program is eliminated or reduced:

An agency or program is not eliminated or reduced.

- (1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

N/A

- (2) what is the cost of such responsibility at the new level/agency?

N/A

- (3) how is the new agency accountable to the people governed?

N/A

2. Lower Taxes:

- a. Does the bill increase anyone's taxes?

No.

- b. Does the bill require or authorize an increase in any fees?

No.

- c. Does the bill reduce total taxes, both rates and revenues?

No.

- d. Does the bill reduce total fees, both rates and revenues?

No.

- e. Does the bill authorize any fee or tax increase by any local government?

No.

3. Personal Responsibility:

- a. Does the bill reduce or eliminate an entitlement to government services or subsidy?

No.

- b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

No.

4. Individual Freedom:

- a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

The bill affords families the option to enroll children who turn five before January 1, in kindergarten. The extended cut-off date may increase a family's flexibility in planning work opportunities now that a child is eligible to start kindergarten. Under current law, families with children who turn five after September 1, must wait to enroll their child in the next school year. This may prevent at-home caretakers to postpone work opportunities until their child enters kindergarten.

- b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

No.

5. Family Empowerment:

- a. If the bill purports to provide services to families or children:

- (1) Who evaluates the family's needs?

The bill does not specify who determines readiness. However, the designated school district representative may determine, based on the readiness assessment, whether a child is ready to enter kindergarten.

- (2) Who makes the decisions?

The child's parent or guardian would request the assessment. Although not specifically stated in the bill, it is presumed that the designated school district representative determines, based on the readiness assessment results, whether a child, who turns five years old within the specified dates, is ready to enter kindergarten.

- (3) Are private alternatives permitted?

No.

- (4) Are families required to participate in a program?

No.

- (5) Are families penalized for not participating in a program?

No.

- b. Does the bill directly affect the legal rights and obligations between family members?

No.

- c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:

- (1) parents and guardians?

Yes, parents of children who turn five years old between the specified dates, decide whether or not their child takes the readiness assessment.

- (2) service providers?

Although not specified in the bill, the designated school district representative may be responsible for determining readiness and administering the assessment.

- (3) government employees/agencies?

The designated school district representative determines, based on the readiness assessment results, whether or not a child who turns five years old between the specified dates is ready to enter kindergarten.

D. STATUTE(S) AFFECTED:

Amends s. 232.01, F.S.

E. SECTION-BY-SECTION ANALYSIS:

**Section 1** Amends s. 232.01, F.S.; Provides for a phase-in of a program over a four-year period on a one month per year basis. The program allows kindergarten admission to children whose fifth birthday falls after September 1 but before January 1. Prior to admission, a child must be determined "ready." Any child determined not ready for kindergarten is subject to current admission criteria.

Provides authority to the Commissioner of Education to adopt rules to implement the provisions of this program.

**Section 2** Provides an effective date of July 1, 1999.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

None.

2. Recurring Effects:

Negligible. School districts currently provide the readiness assessment to all kindergarten enrollees. The provisions of this bill extend the assessment to children who otherwise would not be eligible to enroll because of age requirements. Estimates identify about 16,625 children who would be eligible for enrollment because of the provisions of this bill. Of the 16,625, not all would choose to take the assessment and not all would be determined ready.

3. Long Run Effects Other Than Normal Growth:

None.

4. Total Revenues and Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

None.

2. Recurring Effects:

Negligible. School districts currently provide the readiness assessment to all kindergarten enrollees. The provisions of this bill extend the assessment to children who otherwise would not be eligible to enroll because of age requirements. Estimates identify about 16,625 children who would be eligible for enrollment because of the provisions of this bill. Of the 16,625, not all would choose to take the assessment and not all would be determined ready.

3. Long Run Effects Other Than Normal Growth:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

None.

2. Direct Private Sector Benefits:

The department states that the majority of children whose parents seek early entry to kindergarten are those whose children are in "private" pre-school programs. This may result in an increased need for private kindergarten schools and programs.

3. Effects on Competition, Private Enterprise and Employment Markets:

None.

D. FISCAL COMMENTS:

None.

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

This bill does not require counties or municipalities to expend funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the authority of counties or municipalities to raise revenue.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

This bill does not reduce the percentage of state tax shared with counties and municipalities.

V. COMMENTS:

None.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

HB 307 was prefiled with the Florida House of Representatives on January 12, 1999, and referred to the Committee on Education Innovation on January 21, 1999.

HB 307 was amended in the Education Innovation Committee of the House on February 15, 1999, and made into a committee substitute. The committee substitute differs from the bill in the following ways:

- ◆ Phases in the program on a one month per year basis over a four year period by providing parents with the option of enhanced kindergarten enrollment if their child is determined ready through the use of a kindergarten readiness assessment and whose fifth birthday falls within the following time frames:

**First Year**--after September 1, 1999 but before October 1, 1999;

**Second Year**--after September 1, 2000 but before November 1, 2000;

**Third Year**--after September 1, 2001 but before December 1, 2001;

**Fourth Year**--after September 1, 2002 but before January 1, 2003.

- ◆ Changes rule making authority from the state board to the Commissioner of Education.

VII. SIGNATURES:

COMMITTEE ON EDUCATION INNOVATION:

Prepared by:

Staff Director:

Pamela M. Allen

Ouida J. Ashworth

AS REVISED BY THE COMMITTEE ON EDUCATION (K-12):

Prepared by:

Staff Director:

Terri J. Chasteen

Patricia W. Levesque

AS FURTHER REVISED BY THE COMMITTEE ON GOVERNMENTAL RULES AND REGULATIONS:

Prepared by:

Staff Director:

Veronica P. Alvarez

David M. Greenbaum