

HB

338

# Alaska State Legislature

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Representative Lesil McGuire  
Chair, Judiciary Committee

## HB 338

*"An Act relating to attendance at public school; and providing for an effective date."*

### SPONSOR STATEMENT

HB 338 accomplishes two simple, but necessary, statutory changes that govern the entry age for attendance into public school and the process by which local school districts may allow early entry applicants to be accepted.

Currently, AS 14.03.080(c) stipulates that a child under school age may be admitted only if the child can demonstrate "minimum standards prescribed by the board evidencing that the child has the mental, physical, and emotional capacity. . ." Under the current statute, this language requires a full board vote in order to approve such early entry applications. The new language included in HB 338 would allow local school boards to delegate this authority to their chief school administrator, thus relieving the boards from this minor administrative burden more appropriately left to career education professionals.

Further, HB 338 adjusts the date certain, from August 15<sup>th</sup> to September 1<sup>st</sup>, by which a child must have attained the age of five for standard entry in kindergarten. Alaska is one of only three states that have an entrance cut-off date on or before August 15<sup>th</sup>. 35 states have kindergarten entrance cut-off dates between August 31 and October 16<sup>th</sup> with September 1 being shared by 19 states. Because of the large number of new residents arriving from other states with their respective cut-off dates and varying school start dates among Alaska's school districts, we believe this change will create a less confusing standard that will allow the greatest number of Alaskan students to begin school each year without having a disruptive impact on a classroom environment. It is for these reasons that this change is supported by a number of Alaska school districts and the Alaska Department of Education and Early Development.

23-LS1258\S  
Mischel  
3/4/04

**CS FOR HOUSE BILL NO. 338( )**

**IN THE LEGISLATURE OF THE STATE OF ALASKA  
TWENTY-THIRD LEGISLATURE - SECOND SESSION**

**BY**

**Offered:  
Referred:**

**Sponsor(s): REPRESENTATIVE MCGUIRE**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to attendance at public school; and providing for an effective date."**

2 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

3 **\* Section 1.** AS 14.03.070 is amended to read:

4           **Sec. 14.03.070. School age.** A child who is six years of age on or before  
5           September 1 [AUGUST 15] following the beginning of the school year, and who is  
6           under the age of 20 and has not completed the 12th grade, is of school age.

7 **\* Sec. 2.** AS 14.03.080(c) is amended to read:

8           (c) A child under school age may be admitted to a [THE] public school in the  
9           school district of which the child is a resident at the discretion of the governing body  
10           of the school district if the child meets minimum standards prescribed by the board  
11           evidencing that the child has the mental, physical, and emotional capacity to perform  
12           satisfactorily for the educational program being offered. A district's educational  
13           program must prescribe that under school age students advance through the curriculum  
14           or grade level by the following school year. A governing body may delegate the  
15           authority granted under this subsection to the chief school administrator of the

1  
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school district.

\* Sec. 3. AS 14.03.080(d) is amended to read:

(d) A child who is five years of age on or before September 1 [AUGUST 15] following the beginning of the school year, and who is under school age, may enter a public school kindergarten.

\* Sec. 4. This Act takes effect July 1, 2004.

23-LS1258\Q  
Mischel  
2/24/04

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**TWENTY-THIRD LEGISLATURE - SECOND SESSION**

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From: McRae\_Patricia  
Sent: Monday, February 16, 2004 12:45 PM  
To: 'ryan\_macinster@legis.state.ak.us'  
Cc: Ginder\_Julie; Long\_Eunice  
Subject: change of entry date for kindergarten students

I am writing to support the proposed change of entry date for Alaskan children into kindergarten from August 15th to September 1st. This change will allow children who turn 5 years of age by September 1st to begin kindergarten in that school year.

As the Executive Director for Elementary Education, I have worked with many, many families whose child turns 5 years of age between August 15th and the first day of school (the day after Labor Day in Anchorage). These parents want their child to begin school with their like-age peers. Because of the August 15th deadline, we must turn these families away, when their children would have turned 5 years of age by the first day of school. This is difficult for many families to understand. It is also my understanding that the entry date for kindergarten in most states across the U.S. is September 1st, and because of the large military populations we deal with in Alaska, the consistency provided in such a change will additionally benefit the children of military families.

My colleagues, Elementary Supervisors Julie Ginder and Eunice Long, concur with the proposed change to September 1st as well. We believe this will allow us to better serve these children and that coming in line with the majority of other states across the union will provide consistency for families who are moving to Alaska.

Thank you,  
Patricia McRae

Patricia McRae, Executive Director  
Elementary Education  
742-4254

"Prosperity is a great teacher; adversity a greater."  
-William Hazlitt

Re: Early entry

**Subject: Re: Early entry**

**Date:** Tue, 17 Feb 2004 10:18:17 -0900

**From:** "Wiget\_Larry" <Wiget\_Larry@asdk12.org>

**To:** "Ryan Makinster" <Ryan\_Makinster@Legis.state.ak.us>

Early Entry Students - ASD Legislative Priority 2003

The Anchorage School Board urges the Alaska Legislature to amend Alaska Statute 14.03.080 to afford the governing body of a school district the discretion to delegate to, the superintendent or his/her designee the authority to approve early entry of a student on an individual basis. Approval for early entry will be based on minimum standards prescribed by the board for identifying whether the child has the mental, physical, and emotional capacity to perform satisfactorily in the educational program being offered.

Rationale. Under AS 14.03.080(c), a child under school age may be admitted to the public school in the school district of which the child is a resident at the discretion of the governing body of the school district if the child meets minimum standards prescribed by the board evidencing that the child has the mental, physical, and emotional capacity to perform satisfactorily for the educational program being offered.

Regulations established by DEED and effective July 1, 2002, have interpreted this statute to mean, "the governing body of the school district must approve early entry of a student on an individual basis."

The Anchorage School Board believes that once it has adopted appropriate policy standards, it should have the discretion to delegate this responsibility for implementation to the district administration.

AASB approved a similiar resolution....

1.11 Discretion to Approve Early Entry - AASB 2004 Resolution

The AASB supports an amendment to state statutes or regulations to afford the governing body of a school district the discretion to delegate to, the superintendent or his/her designee the authority to approve early entry of a student on an individual basis. Approval for early entry will be based on minimum standards prescribed by the board for identifying whether the child has the mental, physical, and emotional capacity to perform satisfactorily in the educational program being offered.

Rationale. Under AS 14.03.080(c), a child under school age may be admitted to the public school in the school district of which the child is a resident at the discretion of the governing body of the school district if the child meets minimum standards prescribed by the board evidencing that the child has the mental physical, and emotional capacity to perform satisfactorily for the educational program being offered.

Regulations established by DEED and effective July 1, 2002, have interpreted this statute to mean, "the governing body of the school district must approve early entry of a student on an individual basis."

AASB believes that once it has adopted appropriate policy standards, it should have the discretion to delegate this responsibility for implementation to the district administration.



# StateNotes

## Kindergarten

700 Broadway, Suite 1200 Denver, CO 80203-3450 303.299.3600 Fax: 303.296.8332 www.ecs.org

### Access to Kindergarten: Age Issues in State Statutes

May 2003

This *StateNote* documents how state lawmakers have addressed kindergarten-related age issues, including compulsory school age, kindergarten entrance age, early entrance to kindergarten, skipping kindergarten and kindergarten exemption.

#### *Kindergarten Entrance Age*

The entrance age cut-off dates for kindergarten are not uniform across states.

- Only six states have cut-off dates between December 1 and January 1. This practice leads to a robust mix of 4-year-olds and 5-year-olds enrolled in kindergarten.
- Thirty-five states have kindergarten entrance cut-off dates between August 31 and October 16. These policies lead to fewer 4-year-olds entering kindergarten, but classrooms consist of a combination of 4- and 5-year-olds entering each fall.
- Three states have cut-off dates on or before August 15. While legislative intent cannot be determined without additional research, it can be supposed that these states want to ensure all children are 5 years old before they enter kindergarten.
- Another six states leave the entrance-age question up to local district decision.

#### *Early Entrance*

No matter where the age of entry is set, most kindergarten classrooms have an age span of at least one year among students. Further contributing to this age span are allowances for early entrance to kindergarten. Statutes in 27 states allow children to enter kindergarten before they reach age eligibility; one state does not permit early entrance; and 22 state laws are silent on the issue.

### Compulsory School Attendance

Only eight states have a compulsory school age of 5 that effectively, if not explicitly, mandates kindergarten attendance for all children. Compulsory attendance ages in the other states range from age 6-8. These laws allow parents and schools to delay a child's entrance into kindergarten for a year. The reasons for delaying entry into kindergarten include beliefs that some children are not yet developmentally ready to succeed and beliefs that older children are more able to adapt to the intellectual, social-emotional and academic demands of kindergarten.

### Permissive Kindergarten Attendance, Skipping Kindergarten and Kindergarten Exemption

Thirteen states require students attend kindergarten. Of those states, only Tennessee does not allow exemptions from kindergarten attendance. Delaying entrance to kindergarten and skipping kindergarten altogether – whether because the state does not mandate kindergarten attendance, because a student enters early into 1st grade or because a student exempts out of school until compulsory school age – raise equity issues because both the causes and the effects of such practices vary. For instance, access to high-quality early childhood education programs and/or enriched educational environments at home are likely effective replacements for kindergarten at age 5. Children from better-educated and wealthier families, however, are more likely to have access to such experiences than poorer children from less-educated homes.

State	Compulsory School Age	Kindergarten Entrance Age (Child must be 5 on or before this date)	Early Entrance to Kindergarten Allowed?	Student Attendance in Kindergarten	Skipping Kindergarten Allowed (Enter 1st grade at age 5)?	Kindergarten Exemption Allowed?
Alabama	7	September 1	Transfer	Permissive	Transfer	NA
Alaska	7	August 15	Transfer	Permissive	Not specified	NA
Arizona	6	September 1	Decision – parent, child, teacher and principal	Permissive	Decision – parent, child, teacher and principal	NA
Arkansas	5	September 15	Transfer	Mandatory	Not specified	Readiness and Parent request
California	6	December 2	Decision – school district and parent	Permissive	Decision – school district and parent	NA
Colorado	7	LEA option	Not specified	Permissive	Not specified	NA

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Connecticut	5	January 1	Decision – local school board	Mandatory	Not specified	Parent request
Delaware	5	August 31	Decision – local school authorities	Mandatory	Not specified	Parent request
Florida	6	September 1	Not specified	Permissive	Not specified	NA
Georgia	7	September 1	Transfer	Permissive	Transfer	NA
Hawaii	6	December 31	Not specified	Permissive	Not specified	NA
Idaho	7	September 1	Not specified	Permissive	Transfer	NA
Illinois	7	September 1	Decision – school district	Permissive	Not specified	NA
Indiana	7	July 1	Decision – parent and superintendent	Permissive	Not specified	NA
Iowa	6	September 15	Not specified	Permissive	Readiness	NA
Kansas	7	August 31	Transfer	Permissive	Transfer	NA
Kentucky	6	October 1	Not specified	Permissive	Not specified	NA
Louisiana	7	September 30	Gifted	Mandatory	Readiness	Readiness
Maine	7	October 15	Transfer	Permissive	Not specified	NA
Maryland	5	September 1	Not specified	Mandatory	Not specified	Parent request or Readiness
Massachusetts	6	LEA option	Not specified	Permissive	Not specified	NA

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Michigan	6	December 1	Not specified	Permissive	If district does not offer kindergarten	NA
Minnesota	7	September 1	Not specified	Permissive	Policy – local school board	NA
Mississippi	6	September 1	Not specified	Permissive	Not specified	NA
Missouri	7	August 1	Not specified	Permissive	Not specified	NA
Montana	7	September 10	Decision – board of trustees	Permissive	Not specified	NA
Nebraska	7	October 15	Transfer or Readiness	Permissive	Not specified	NA
Nevada	7	September 30	Not permitted	Permissive	Not permitted	Parent request
New Hampshire	6	LEA option	Not specified	Permissive	Not specified	NA
New Jersey	6	LEA option	Decision – local school board	Permissive	Not specified	NA
New Mexico	5	September 1	Not specified	Mandatory	Not specified	Parent request
New York	6	LEA option	Not specified	Permissive	Not specified	NA
North Carolina	7	October 16	Transfer or Gifted	Permissive	Decision – principal	NA
North Dakota	7	September 1	Transfer or Readiness	Permissive	Transfer or Gifted	NA

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Ohio	6	September 1 or First day of school	Policy – school district	Mandatory	Not specified	Parent request and Readiness
Oklahoma	5	September 1	Not specified	Mandatory	Not specified	Parent request
Oregon	7	September 1	Policy – local school board	Permissive	Policy – local school board	NA
Pennsylvania	8	LEA option	Not specified	Permissive	Policy – state board of education	NA
Rhode Island	6	December 31 (until 1/1/04) September 1 (after 1/1/04)	Not specified	Mandatory	Not permitted	Not specified
South Carolina	5	September 1	Transfer or Decision – school district	Mandatory	Decision – school district	Parent request
South Dakota	6	September 1	Transfer	Permissive	Transfer	NA
Tennessee	6	September 30	Not specified	Mandatory	Not permitted	Not permitted
Texas	6	September 1	Readiness and Policy – school district	Permissive	Transfer	NA
Utah	6	September 2	Not specified	Permissive	Not specified	NA

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Vermont	6	January 1 or LEA option	Not specified	Permissive	Not specified	NA
Virginia	<del>7</del> 5	September 30	Readiness	Mandatory	Not specified	Parent request
Washington	8	August 31	Decision – LEA	Permissive	Decision – LEA	NA
West Virginia	6	September 1	Decision – county board	Mandatory	Decision – county board	Readiness
Wisconsin	6	September 1	Policy – school district	Permissive	Policy – school district	NA
Wyoming	7	September 15	Not specified	Permissive	Not specified	NA

## Key:

### **Decision – (parties listed)**

A decision to allow early admittance to individual children on a case-by-case basis may be made by the parties listed.

### **Policy – (authorities listed)**

The authorities listed may adopt a policy to allow early admittance; this policy must be applied equally to every student seeking early admittance.

### **Gifted**

A child may be allowed early admittance if he is determined to be gifted.

### **LEA**

Local education agency