



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2009 Assembly Bill 119

**Assembly Substitute
Amendment 1**

Memo published: May 20, 2009

Contact: Anne Sappenfield, Senior Staff Attorney (267-9485)

2009 Assembly Bill 119 provides that a child who is enrolled in five-year old kindergarten must attend regularly and provides that, beginning on September 1, 2011, a school may not enroll a child in first grade unless the child has completed kindergarten or been granted an exemption.

CURRENT LAW

Under current law, unless a child is excused by the school board or the child's parent or guardian as provided under current law or has graduated from high school, any person having control of a child who is between the ages of six and 18 years must cause the child to attend school regularly during the full period and hours, religious holidays excepted, that the public or private school in which the child should be enrolled is in session until the end of the school term, quarter, or semester of the school year in which the child becomes 18 years of age. There are several exceptions to this requirement, including approved attendance at a technical college, provision of a program or curriculum modification at the request of the child or his or her parent or guardian, enrollment in a virtual charter school, and instruction in a home-based private educational program that meets specified requirements.

ASSEMBLY BILL 119

Assembly Bill 119 provides that any person having under his or her control a child who is enrolled in five-year old kindergarten must cause the child to attend school regularly, religious holidays excepted, during the full period and hours that kindergarten is in session at the public or private school in which the child is enrolled until the end of the school term. Under the bill, current law relating to truancy applies to children enrolled in five-year old kindergarten. The requirement to attend five-year old kindergarten does not apply to a child for whom the school board has approved the provision of a program or curriculum modification or to a child who is receiving instruction in a home-based private educational program.

The bill provides that, beginning on September 1, 2011, a school board may not enroll a child in the first grade in a school in the school district, including a charter school located in the school district, unless the child has completed five-year old kindergarten. The bill requires each school board to adopt a written policy specifying the criteria for promoting a pupil from five-year old kindergarten to first grade.

Under the bill, a school board may establish policies, conditions, standards, and procedures for exempting a child from completing kindergarten as a prerequisite to enrollment in the first grade. The policies, conditions, standards, and procedures must consider pupils who, before either commencing or completing first grade, moved into this state from a state where completion of five-year old kindergarten was not a prerequisite to entering first grade and who are otherwise eligible to be enrolled in first grade as a new or continuing pupil. Under the bill, the school board must require the parent or guardian of a child seeking to be exempted from kindergarten to submit to a written request for exemption to the school board and to demonstrate to the satisfaction of the school board that the child demonstrates the social, emotional, and cognitive skills necessary for admission to the first grade.

The bill contains identical provisions that are applicable to the operators of independent charter schools.

ASSEMBLY SUBSTITUTE AMENDMENT 1

As under the bill, the substitute amendment provides that any person having under his or her control a child who is enrolled in five-year old kindergarten must cause the child to attend school regularly, religious holidays excepted, during the full period and hours that kindergarten is in session until the end of the school term. The substitute amendment does not contain an exception for children who are receiving instruction in a home-based private educational program because such children would not be enrolled in five-year old kindergarten. (As under current law, no documentation is required to establish that a child who is under six years old is receiving instruction at home.)

The substitute amendment does not modify the provision of the bill prohibiting a school board from enrolling a child who has not completed kindergarten in the first grade. However, the bill does modify the provisions relating to exempting a child from that requirement.

Under the substitute amendment, each school board that operates a five-year old kindergarten program *must* establish procedures, conditions, and standards for exempting a child from the requirement to complete kindergarten as a prerequisite to enrollment in the first grade. In addition, the substitute amendment requires the school board to establish procedures, conditions, and standards for reviewing the denial of an exemption upon the request of the pupil's parent or guardian.

The substitute amendment further provides that a school board that operates a five-year old kindergarten program must enroll in the first grade a child who has not completed kindergarten but who is otherwise eligible to be admitted to and to enroll in first grade as a new or continuing pupil at the time the child moves into this state if one of the following applies:

- Before either commencing or completing first grade, the child moved into this state from a state, country, or territory in which completion of five-year old kindergarten is a prerequisite for entering first grade and the child was exempted from the requirement to complete five-year old kindergarten in that state, country, or territory.

- Before either commencing or completing first grade, the child moved into this state from a state, country, or territory in which completion of five-year old kindergarten is not a prerequisite to entering first grade.

As under the bill, the substitute amendment contains identical provisions that are applicable to operators of independent charter schools.

Legislative History

Assembly Substitute Amendment 1 was offered by Representative Smith. On May 19, 2009, the Assembly Committee on Education recommended adoption of the substitute amendment on a vote of Ayes, 11; Noes, 1, and recommended passage of the bill, as amended, on a vote of Ayes, 8; Noes, 4.

AS:ksm