

Date of Hearing: March 18, 2026

ASSEMBLY COMMITTEE ON EDUCATION
Darshana Patel, Chair
AB 1631 (Muratsuchi) – As Introduced January 26, 2026

SUBJECT: Elementary education: kindergarten

SUMMARY: Requires a child to complete one year of kindergarten prior to enrolling in first grade in a public school, including a charter school, beginning with the 2028-29 school year, thereby making kindergarten attendance mandatory. Specifically, **this bill**:

- 1) Requires a child to complete one year of kindergarten before enrolling in first grade in a public school, including a charter school, beginning with the 2028-29 school year, thereby making kindergarten a mandatory grade level.
- 2) Clarifies that a child who is currently in kindergarten may be placed in first grade if they are judged ready for first grade work, at the discretion of the school administration and with consent of the child's parent or guardian, provided the child is at least five years of age.
- 3) Clarifies that a child who completes one year of kindergarten may continue up to one additional year in kindergarten, if their parent or guardian and school administration agree.
- 4) Extends to charter school governing bodies the existing authority for a school district governing board to admit a student of a proper age to a class after the first month of school.
- 5) States legislative intent that a parent or guardian of a student eligible for kindergarten maintains the discretion to enroll the student in either public school kindergarten or private school kindergarten, which includes home schooling, before enrolling the pupil in the first grade of a public elementary school or charter school.

EXISTING LAW:

- 1) Requires every child between the ages of 6 and 18 to participate in compulsory full-time education (at least the minimum school day as required by statute and school districts). (Education Code (EC) 48200)
- 2) Authorizes school districts to admit a student to transitional kindergarten if the student will have their fourth birthday on or before September 1. (EC 48000).
- 3) Authorizes school districts to admit a student to kindergarten if the student will have their fifth birthday on or before a certain date, as specified:
 - a. December 2 of the 2011–12 school year;
 - b. November 1 of the 2012–13 school year;
 - c. October 1 of the 2013–14 school year; and

- d. September 1 of the 2014–15 school year and each school year thereafter. (EC 48000).
- 4) Requires a student to be admitted to the first grade if the student will have their sixth birthday on or before a certain date, as specified:
- a. December 2 of the 2011–12 school year.
 - b. November 1 of the 2012–13 school year.
 - c. October 1 of the 2013–14 school year.
 - d. September 1 of the 2014–15 school year and each school year thereafter. (EC 48010)

FISCAL EFFECT: The Office of Legislative Counsel has keyed this bill as a possible state-mandated local program.

COMMENTS:

Need for the bill. According to the author, “Kindergarten is a critical year for a child’s academic and social development, yet it is not currently a required grade in California. As expectations for first grade have increased, too many children are entering school without the foundational skills they need to succeed. This bill ensures that every child enters first grade having completed one year of kindergarten, while preserving parental choice by allowing families to meet this requirement through public school, private school, or homeschooling. By strengthening early learning, this measure helps close opportunity gaps and gives all children a fair start in their education.”

Kindergarten is not currently mandatory in California. While nearly all states require school districts to offer kindergarten, 18 states and the District of Columbia (DC) have instituted mandatory kindergarten (Education Commission of the States). Eight of these states specifically require full-day kindergarten, while the remainder allow either full- or half-day programs. In California, kindergarten is considered a grade level, is factored in the calculation of average daily attendance (ADA), and is included in the academic content standards, curriculum frameworks and instructional materials. However, attendance in kindergarten is not mandatory, and compulsory education laws begin at age 6, so parents must enroll their children in school once they reach the age of 6. It is currently a local decision, with parental input, whether a 6-year old student will be enrolled in kindergarten or be eligible for first grade.

How many children skip kindergarten? The California Department of Education (CDE) estimates that, prior to the COVID pandemic, approximately 95% of eligible students attended a public or private kindergarten program, suggesting that approximately 5% of students were not attending kindergarten. In reviewing enrollment numbers for kindergarten and first grade in California public schools in recent years and comparing the total number of students in first grade in a given year to the total number of students in kindergarten in the prior year, it can be estimated that the number and percentage of children attending first grade for the first time. This data suggests that approximately 3-4% of children may not have attended kindergarten in recent years, which would equate to roughly 14,000 children. Clearly, this is a rough estimate.

	Kindergarten enrollment (not including TK)	1st grade enrollment	Increase in 1 st grade vs prior year Kindergarten enrollment	% of 1 st grade students estimated to be enrolled for first time
2024-25	365,002	384,822	14,072	3.7%
2023-24	370,750	396,408	17,495	4.4%
2022-23	378,913	408,992	14,529	3.6%
2021-22	394,463	408,671	15,200	3.1%
2020-21	393,471	426,963	-8,009	n/a
2019-20	434,972	444,120	9,021	2.0%
2018-19	435,099	448,028	5,237	1.2%
2017-18	442,791	456,175		

Source: CDE

Research demonstrates the effectiveness of kindergarten attendance, particularly for disadvantaged children. According to the U.S. Department of Education’s (USDOE) *Early Childhood Longitudinal Study Kindergarten Class of 2010-11*, based upon a nationally representative sample of kindergarteners, Black and Latino children score significantly lower than White children in reading and math at kindergarten entry. One study found that, after controlling for child, family, and pre-K experiences, gaps do not significantly increase during kindergarten, and the racial/ethnic differences in achievement and social-emotional skills are primarily a reflection of pre-K differences in these areas. (Iruka, 2022)

Further research looked at the benefits of the increased availability of kindergarten in the U.S. The author notes that low-income and Hispanic children were significantly less likely to be below grade level as a result of access to kindergarten programs, “...the children who benefited most were the children who received lower-quality care as a substitute for attending kindergarten or who were at a disadvantage at school start and were helped the most by having a transitional year prior to primary school education. In this sense, the subsidization of kindergarten helped level the playing field for those children least likely to receive high quality childcare in the absence of state-supported kindergarten.” (Dhuey, 2011)

Data from the Los Angeles Unified School District demonstrates that children who attend kindergarten do better on their year-end assessments in first, second, and third grade and have higher scores on their Smarter Balanced tests as late as fifth grade.

Lack of access to kindergarten contributes to opportunity gaps. Mandatory kindergarten has the opportunity to reduce opportunity gaps for children of color. 2019 data from the California Research Bureau show that Latino children are the least likely to enroll in kindergarten. In 2019, 7.2% of Latino children ages 5 and 6 were not enrolled in kindergarten or first grade, compared to 6.1% of White children, 5.5% of Black children, and 5.2% of Asian/Pacific Islander children.

One study found that the adoption of mandatory kindergarten increased kindergarten enrollment by 12 percentage points. The authors found a marked differential benefit of mandatory kindergarten for non-White, Black, and Hispanic children in terms of educational attainment and income, including a 5% increase for college completion compared to White children, and a 6.7% increase in total income relative to White children. (Jenkins, 2019).

Public or private school. This bill does not require students to attend kindergarten at a public school. Parents retain the option to enroll their child at a public or private school, including the option for homeschooling, to fulfill the requirement for one year of kindergarten prior to entering first grade at public school or charter school.

Chronic absenteeism is highest in kindergarten. Chronic absenteeism is defined as missing 10% or more of schooldays for any reason. This can translate into students having difficulty learning to read by the third grade, achieving in middle school, and graduating from high school. Children living in poverty are two to three times more likely to be chronically absent—and face the most harm because their community lacks the resources to make up for the lost learning in school. Students from communities of color, as well as those with disabilities, are disproportionately affected. This isn't simply a matter of truancy or skipping school. In fact, many of these absences, especially among our youngest students, are excused. Often absences are tied to health problems, such as asthma, diabetes, and oral and mental health issues. Other barriers, including lack of a nearby school bus, a safe route to school, or food insecurity, make it difficult to go to school every day. Research has shown that kindergartners who miss 10% or more school days have lower academic performance when they reach 1st grade. (Attendance Works)

As shown in the table below, chronic absenteeism for students in kindergarten tends to be higher than the rates across all grades. This is especially pronounced in the 2022-23 school year when chronic absenteeism in kindergarten was 36.3%, compared to the statewide average across all grades of 24.9%. The CDE was not able to provide data for the 2023-24 and 2024-25 years.

	All Grades	Kindergarten
2016-17	10.8%	14%
2017-18	11.1%	14.2%
2018-19	12.1%	15.6%
2019-20	N/A	N/A
2020-21	14.3%	15.6%
2021-22	30%	40.4%
2022-23	24.9%	36.3%

Source: CDE

Increased expectations for first grade. Over the years, the academic expectations of first grade have increased. With the passage of No Child Left Behind in 2002, the Common Core Standards in 2009 and the Every Student Succeeds Act in 2015, first-grade classrooms now expect students to arrive with basic literacy and numeracy skills – the exact skills that are taught in kindergarten.

As California expands transitional kindergarten (TK), many children will enter first grade with at least two years of formal education. Children who attended California State Preschool Program (CSPP), Head Start, or other high-quality early learning programs may have begun their education as early as age three, thereby providing them with 3 years of early learning prior to entering first grade. This has the potential to create first-grade classrooms in which some students have three years of learning experience while others have none. Given the increased academic rigor of first grade, children without this experience are at a significant disadvantage.

Fiscal considerations. Since 2008, there have been at least nine legislative attempts to create mandatory kindergarten. While research continues to support the benefits of kindergarten,

previous attempts to mandate it frequently stalled due to its cost. Previous Appropriations Committee analyses have estimated the cost to be in the low-to-mid hundreds of thousands of dollars in Proposition 98 funds to cover additional per-pupil costs; the low tens of thousands of dollars in General Fund to cover administrative costs by the CDE; and an unknown cost in local facilities expansion as schools prepare to take on additional kindergarteners. In order to phase-in the fiscal burden of mandatory kindergarten on state and local budgets, ***staff recommends that the bill be amended to*** include a phased approach that implements mandatory kindergarten over the course of four years. There is precedent for this approach in how transitional kindergarten was rolled out in phases (EC 48000).

Arguments in support. The Los Angeles Unified School District writes, “Early education is essential for the physical, intellectual, and social-emotional development of children, and provides students with the fundamental skills and tools needed for academic success. Kindergarten is critical to closing the opportunity gap and furthering equity. Research demonstrates that children exposed to kindergarten mandates are more likely to go to college, earn more, and are less likely to experience poverty as adults. These impacts are larger for Black and Hispanic youth than for their white peers (Jenkins and Rueda, 2019). Despite these well-documented benefits, the current voluntary participation of kindergarten allows parents to delay their child’s entrance into school until the first grade, which could leave that student unprepared for the educational environment they will encounter in elementary school and worsen the already troubling achievement gap.

California is a leader in early learning. The passage of AB 1631 presents an opportunity to build on the State’s investment in Transitional Kindergarten by ensuring that all children enter first grade ready to learn. For these reasons, Los Angeles Unified is pleased to support AB 1631 and we thank you for your leadership and advocacy on behalf of California’s students.”

Arguments in opposition. SVF writes, “It is only a small percentage of eligible children who do not participate in the opportunity to go to kindergarten. Why would a parent not want to send their child to this program. Children develop at different rates. Families have diverse needs and circumstances, in which a one-size-fits-all approach will fail to accommodate. Mandating kindergarten, ignores the natural variability in early childhood development. Some students may benefit from an additional year at home or in a less structured educational setting. The decision about when and how a child begins their formal education should largely rest with their parents or guardians, who are most familiar with their child’s development and readiness for school.”

Recommended Committee Amendments. ***Staff recommends that the bill be amended*** as follows:

- 1) Implement mandatory kindergarten in a phased approach over the course of four years, in alignment with how transitional kindergarten was implemented. Cutoffs for mandatory kindergarten would be based on the date of a child’s birthday.

REGISTERED SUPPORT / OPPOSITION:

Support

California Association for Bilingual Education (CABE)
California School Employees Association

California Teachers Association
California Federation of Teachers
Delta Kappa Gamma International - Chi State
Early Edge California
Los Angeles Unified School District
State Superintendent of Public Instruction Tony Thurmond
Torrance Unified School District

Opposition

SVF

4 individuals

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