



# House of Representatives

General Assembly

**File No. 276**

February Session, 2016

Substitute House Bill No. 5307

*House of Representatives, March 30, 2016*

The Committee on Education reported through REP. FLEISCHMANN of the 18th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

***AN ACT PROHIBITING THE UNREASONABLE DELAY OF ENROLLING A CHILD IN KINDERGARTEN.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 10-184 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective July 1, 2016*):

3 All parents and those who have the care of children shall bring them  
4 up in some lawful and honest employment and instruct them or cause  
5 them to be instructed in reading, writing, spelling, English grammar,  
6 geography, arithmetic and United States history and in citizenship,  
7 including a study of the town, state and federal governments. Subject  
8 to the provisions of this section and section 10-15c, each parent or other  
9 person having control of a child five years of age and over and under  
10 eighteen years of age shall cause such child to attend a public school  
11 regularly during the hours and terms the public school in the district in  
12 which such child resides is in session, unless such child is a high school  
13 graduate or the parent or person having control of such child is able to

14 show that the child is elsewhere receiving equivalent instruction in the  
 15 studies taught in the public schools. For the school year commencing  
 16 July 1, 2011, and each school year thereafter, the parent or person  
 17 having control of a child seventeen years of age may consent, as  
 18 provided in this section, to such child's withdrawal from school. Such  
 19 parent or person shall personally appear at the school district office  
 20 and sign a withdrawal form. Such withdrawal form shall include an  
 21 attestation from a guidance counselor or school administrator of the  
 22 school that such school district has provided such parent or person  
 23 with information on the educational options available in the school  
 24 system and in the community. The parent or person having control of  
 25 a child five years of age shall have the option of not sending the child  
 26 to school until the child is six years of age and the parent or person  
 27 having control of a child six years of age shall [have the option of not  
 28 sending the] not be required to send the child to school until the child  
 29 is seven years of age if (1) a physician, licensed pursuant to chapter  
 30 370, certifies that the child should not attend school until age seven, or  
 31 (2) the child has been identified as having a developmental delay, as  
 32 defined in section 10-76a, in a birth-to-three program, under Part C of  
 33 the Individuals With Disabilities Education Act, 20 USC 1400 et seq., as  
 34 amended from time to time, or in a preschool program, under Part B of  
 35 the Individuals With Disabilities Education Act, 20 USC 1400 et seq., as  
 36 amended from time to time. The parent or person shall exercise such  
 37 option by personally appearing at the school district office and signing  
 38 an option form. The school district shall provide the parent or person  
 39 with information on the educational opportunities available in the  
 40 school system.

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2016	10-184

**ED**      *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

**OFA Fiscal Note**

**State Impact:**

Agency Affected	Fund-Effect	FY 17 \$	FY 18 \$
Education, Dept.	GF - Cost	See Below	See Below

Note: GF=General Fund

**Municipal Impact:**

Municipalities	Effect	FY 17 \$	FY 18 \$
Various Municipalities	STATE MANDATE - Cost	See Below	See Below

**Explanation**

The bill, which requires children to start school by age six, unless a child meets certain criteria, is anticipated to result in increased costs to various municipalities and a potential cost to the state. It is anticipated that this change would impact fewer than 100 children statewide, who would be required to begin school a year earlier than they otherwise would have.

**MUNICIPAL:**

The additional children will increase the size of the incoming kindergarten classes at various municipalities. Not all local and regional boards of education will be impacted by this change. Depending on the number of additional kindergarteners at each school, the cost will vary. It is anticipated that districts could face increased marginal costs of approximately \$3,000 to \$4,000 per child. It is anticipated that there will be some districts where the addition of only a few students would not result in the need for additional resources. This is due to various factors including: additional capacity

in kindergarten classrooms and availability of seats on the school buses.

STATE:

Currently, in FY 16, the Education Cost Sharing (ECS) grant and other various statutory formulaic grants are capped. If these caps were to be lifted, the formulas would require additional funding, within the State Department of Education (SDE), to account for the additional students. For example, the average per student cost under the ECS grant is \$3,985. An additional 100 students could result in an additional cost of approximately \$398,500 to SDE, and a corresponding revenue gain to the municipalities with an increasing number of kindergarteners. If the grants remain capped, and to the extent that the additional 100 children impact population totals in various municipalities, a redistribution of the formulaic grants could occur. This could result in a revenue gain to various municipalities and a corresponding revenue loss to other municipalities. The overall impact is anticipated to be minimal.

### ***The Out Years***

The annualized ongoing fiscal impact identified above would continue into the future subject to the number of additional students.

**OLR Bill Analysis****sHB 5307*****AN ACT PROHIBITING THE UNREASONABLE DELAY OF ENROLLING A CHILD IN KINDERGARTEN.*****SUMMARY:**

Under current law, a parent or person having control (i.e., guardian) of a child age 6 has the option to withhold the child from public school until age 7. This bill prohibits withholding a child age 6 unless (1) a licensed physician certifies the child should not attend school until age 7 or (2) the child is identified as having a developmental delay. The bill retains the option for a parent or guardian to withhold a child age 5 from school until he or she is 6. Under existing law and the bill, children are otherwise required to start public school at age 5 (or get equivalent instruction elsewhere, such as at a private school or through homeschooling).

The bill specifies that the developmental delay must be identified in a (1) birth-to-three program under the federal Individuals With Disabilities Education Act (IDEA), Part C, or (2) in a preschool program, under IDEA, Part B (see BACKGROUND).

The bill and existing law define “developmental delay” as a significant delay in one or more of the following, as measured by appropriate diagnostic instruments and procedures and demonstrated by scores obtained on an appropriate standardized diagnostic assessment: (1) physical development; (2) communication development; (3) cognitive development; (4) social or emotional development; or (5) adaptive development.

EFFECTIVE DATE: July 1, 2016

**BACKGROUND**

**Federal IDEA**

IDEA (20 USC § 1400 et seq.) governs special education programs and procedures in states and in local school districts by (1) requiring that appropriate educational services be given to children with disabilities and (2) providing some funding for the services. IDEA Part B requires services for school-aged children and Part C requires early intervention programs for infants and toddlers. Connecticut law and regulations must comply with IDEA.

**COMMITTEE ACTION**

Education Committee

Joint Favorable Substitute

Yea 27 Nay 3 (03/14/2016)