



## Kindergarten

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### **State Statutes Regarding Kindergarten: Policies concerning district offering of and student attendance in full- and half-day kindergarten programs**

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#### *Compulsory School Attendance*

- Only eight states, the District of Columbia, Puerto Rico, and the Virgin Islands 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 ages 6-8.

#### *Kindergarten Entrance Age*

- Only four states (California, Connecticut, Michigan and Vermont), the District of Columbia and the Virgin Islands 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 and Puerto Rico 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.
- Four states (Alaska, Hawaii, Indiana and Missouri) 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 (Colorado, Massachusetts, New Hampshire, New Jersey, New York and Pennsylvania) leave the entrance-age question up to local district decision.
- One state, Ohio, allows local districts to choose a cut-off date of either September 30 or August 1.

#### *District Offering of, and Pupil Attendance in, Kindergarten*

- Forty-three states, the District of Columbia, Puerto Rico, and the Virgin Islands mandate that school districts offer at least half-day of kindergarten programs
- Fifteen states, the District of Columbia, Puerto Rico, and the Virgin Islands mandate that age-eligible children attend at least a half-day of kindergarten.

#### *District Offering of, and Pupil Attendance in, Full-Day Kindergarten*

- Ten states mandate that school districts offer full-day kindergarten programs.
- Only two states (Louisiana and West Virginia) mandate that age-eligible children attend full-day kindergarten/

**KEY:**

M = Mandatory

P = Permissive

LEA = Local Education Agency

State	Compulsory School Age <sup>1</sup>	Kindergarten Entrance Age <sup>2</sup>	District Offering of Kindergarten	Pupil Attendance in Kindergarten	District Offering of Full-Day Kindergarten	Year Full-Day Law Enacted	Pupil Attendance in Full-Day Kindergarten
Alabama	7	5 on or before September 1	M	P	M	1990	P
Alaska <sup>3</sup>	7	5 before August 15	P	P	P		P
Arizona	6	5 before September 1	M <sup>4</sup>	P	P		P
Arkansas	5 <sup>5</sup>	5 on or before September 15 (In 2009-10, the date will change to on or before September 1. In 2010-11 the date will change to on or before August 15. Thereafter the date will be on or before August 1.)	M	M	M <sup>6</sup>		P
California	6	5 on or before December 2	M	P	P <sup>7</sup>		P
Colorado	6	LEA Option	M	P	P		P
Connecticut	5 <sup>8</sup>	5 on or before January 1	M	M	P		P
Delaware	5	5 on or before August 31	M	M	M <sup>9</sup>	Law passed in 2006, took effect in 2008-09	P
District of Columbia	5	5 on or before December 31	M <sup>10</sup>	M	P		P
Florida	6 <sup>11</sup>	5 on or before September 1	M	P	P		P
Georgia	6	5 by September 1	M	P	M <sup>12</sup>	1985	P
Hawaii	6	5 on or before August 1	M	P	P		P
Idaho	7	5 on or before September 1	P	P	P		P
Illinois	7	5 on or before September 1 <sup>13</sup>	M	P <sup>14</sup>	P <sup>15</sup>		P
Indiana	7	5 on or before August 1	M	P	P		P
Iowa	6	5 on or before September 15	M	P	P		P
Kansas	7	5 on or before August 31	M	P	P		P

State	Compulsory School Age <sup>1</sup>	Kindergarten Entrance Age <sup>2</sup>	District Offering of Kindergarten	Pupil Attendance in Kindergarten	District Offering of Full-Day Kindergarten	Year Full-Day Law Enacted	Pupil Attendance in Full-Day Kindergarten
Kentucky	6	5 by October 1	M	P	P		P
Louisiana	7	5 on or before September 30	M	M	M	1990	M <sup>16</sup>
Maine	7	5 on or before October 15	M	P	P <sup>17</sup>		P
Maryland	5	5 by September 1	M	M <sup>18</sup>	M	2002	P
Massachusetts	6	LEA Option	M	P	P <sup>19</sup>		P
Michigan	6	5 on or before December 1 <sup>20</sup>	M <sup>21</sup>	P	P		P
Minnesota <sup>22</sup>	7	At least 5 on September 1	M	P	P		P
Mississippi	6	5 on or before September 1	M	P	M		P
Missouri	7	5 before August 1 (LEA option between August 1 and October 1 for metropolitan districts)	M	P	P		P
Montana	7	5 on or before September 10	M	P	P		P
Nebraska	6	5 on or before October 15	M	P	P		P
Nevada	7	5 on or before September 30	M	M <sup>23</sup>	P		P
New Hampshire	6	LEA Option	P	P	P		P
New Jersey	6	LEA Option	P	P	P		P
New Mexico	5	5 before September 1	M	M	P <sup>24</sup>	2000	P
New York	6	LEA Option	P <sup>25</sup>	P	P		P
North Carolina	7	5 on or before August 31	M	P	M <sup>26</sup>		P
North Dakota	7	5 before September 1	P	P	P		P
Ohio	6	September 30 or August 1 <sup>27</sup>	M	M <sup>28</sup>	P		P
Oklahoma	5	5 on or before September 1	M	M	P <sup>29</sup>		P
Oregon	7	5 on or before September 1	M	P	P		P
Pennsylvania	8	LEA Option	P	P	P		P
Puerto Rico	5	5 on or before August 31	M	M	P		P
Rhode Island	6	5 on or before September 1	M	M	P		P
South Carolina	5 <sup>30</sup>	5 on or before September 1	M	M	M <sup>31</sup>	1998	P
South Dakota	6 <sup>32</sup>	5 on or before September 1	M	M	P		P
Tennessee	6	5 on or before September 30	M <sup>33</sup>	M	P		P
Texas	6	5 on or before September 1	M	P	P		P
Utah	6	5 on or before September 2	M	P	P		P
Vermont	6	5 on or before January 1 <sup>34</sup>	M	P	P		P

State	Compulsory School Age <sup>1</sup>	Kindergarten Entrance Age <sup>2</sup>	District Offering of Kindergarten	Pupil Attendance in Kindergarten	District Offering of Full-Day Kindergarten	Year Full-Day Law Enacted	Pupil Attendance in Full-Day Kindergarten
Virgin Islands	5	5 on or before December 31	M	M	P		P
Virginia	5 <sup>35</sup>	5 on or before September 30	M	M	P		P
Washington	8	5 on or before August 31	M	P	P		P
West Virginia	6	5 on or before September 1	M	M	M	1996	M <sup>36</sup>
Wisconsin	6	5 on or before September 1	M	P	P <sup>37</sup>	1987	P
Wyoming	7	5 on or before September 15	M	P	P		P

<sup>1</sup> Most states allow parents to apply for a waiver if they do not wish for their children to attend kindergarten. In Nevada, Rhode Island, Tennessee and West Virginia the compulsory school attendance age is over 5. Kindergarten attendance is mandatory, thereby allowing parents to hold children out of kindergarten until they reach 6 years of age.

<sup>2</sup> Children may begin kindergarten in the school year that they reach the specified age by the specified date. For example, in Hawaii, a child may begin kindergarten at age 4 as long as his 5th birthday is during the school year and prior to December 31.

<sup>3</sup> Alaska has no state law regarding district offering of kindergarten.

<sup>4</sup> In Arizona, “a district is exempt from establishing a kindergarten program if it files with the department of education an exemption claim which states that the establishment of a kindergarten program will interfere with the work of, or maintenance of efficiency in the grades and that a kindergarten program is not in the best interests of the district” (AZ ST § 15-703).

<sup>5</sup> In Arkansas, parents may elect for the child not to attend kindergarten if the child will not be age 6 on September 15 of that particular school year. In such a case, the parent must file a signed kindergarten waiver form with the local district administrative office.

<sup>6</sup> The Standards for Accreditation of Arkansas Public Schools section of Arkansas’s Rules and Regulations requires that districts offer a full-day kindergarten.

<sup>7</sup> In California, full-day kindergarten is prohibited by one Education Code section and allowed in another. Education Code Section 46111 prohibits kindergarten from exceeding four hours (excluding recesses) unless children are participating in an Early Primary Program as allowed under Education Code Section 8970-8974. Ed. Code Section 8973 specifically says that kindergarten may exceed four hours if the program is not longer than the rest of the primary program and if there are opportunities for both active and quiet activities.

<sup>8</sup> In Connecticut, the parent of a 5-year-old child shall have the option of not sending the child to school until the child is 6 years old. The parent of a 6-year-old child shall have the option of not sending the child to school until the child is 7 years old. The parent shall exercise such option by personally appearing at the school district office and signing an option form.

<sup>9</sup> The laws regarding full-day kindergarten become effective in each school district “upon a confirming vote by the local school district board and upon a specific appropriation by the General Assembly to fund the costs of full-day kindergarten” (75 Del. Laws 440).

<sup>10</sup> Because compulsory school age is 5 in the District of Columbia, all public schools are required to offer kindergarten to accommodate attendance for 5-year-old children. DC Code Section 38-202.

<sup>11</sup> In Florida, children are not required to attend school until they are 6 years old. If a child does not attend kindergarten at age 5, however, s/he will be required to attend kindergarten when s/he starts school at age 6.

<sup>12</sup> In Georgia, full-day kindergarten is defined as 4.5 hours per day.

<sup>13</sup> In Illinois, districts may offer kindergarten to children age 4 to 6. Only one year of kindergarten attendance, however, will be paid for by the state unless a child who entered kindergarten at age 5 requires a second year of kindergarten for developmental purposes.

<sup>14</sup> In Illinois, “once a student has been enrolled in kindergarten in a public school, that child falls under compulsory attendance laws (IL ST CH 105 § 5/26-2).

<sup>15</sup> In Illinois, if a district offers full-day kindergarten, it also must provide a half-day kindergarten. Parents are not required to send their children to kindergarten.

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- <sup>16</sup> In Louisiana, kindergarten is mandatory for entrance to 1st grade unless parents request their children be tested for readiness to enter 1st grade. Readiness criteria are established by each parish.
- <sup>17</sup> In Maine, the Department of Education encourages districts to offer full-day kindergarten.
- <sup>18</sup> Local boards of education may adopt regulations permitting a 4-year-old child, upon request by the parent or guardian, to be admitted to kindergarten if the local system determines that the child demonstrates the capabilities warranting early admission. In addition, the regulations maintain the option for parents to request a "Level of Maturity Waiver" for the local board to exempt from mandatory attendance for one year a kindergarten-eligible child.
- <sup>19</sup> In Massachusetts, a state grant program allows districts to apply for a grant to fund full-day kindergarten.
- <sup>20</sup> In Michigan, if a district offers semiannual promotions, a child may enroll in kindergarten for the second semester if s/he is at least 5 on March 1 of the school year.
- <sup>21</sup> In Michigan, districts must offer a program for all students who will be 5 on or before December 1. This program does not have to be traditional kindergarten. For example, 5-year-olds may be served in a mixed-age classroom with other children. Programming for 5-year-olds must be available for one-half of the hours of the other grades.
- <sup>22</sup> In Minnesota, districts may establish an earlier school entrance age. Districts may apply for an exemption from offering kindergarten if it would cause "extraordinary hardship." Districts are permitted to offer full-day kindergarten.
- <sup>23</sup> In Nevada, if a child is 6 years old and has not completed kindergarten, s/he must complete kindergarten before being admitted to 1st grade. If a child is 7 years old and has not completed kindergarten or 1st grade, s/he must undergo an assessment by the district to determine whether he is developmentally prepared to be admitted to the 1st grade. If the district determines that the child is not so prepared, s/he must be admitted to kindergarten.
- <sup>24</sup> In New Mexico, full-day kindergarten is being phased in from 2000-05. Beginning in the year 2000 and each subsequent year until 2005, one-fifth of New Mexico's school districts will be eligible to apply to the state for full-day kindergarten funding. Establishment of full-day kindergarten programs will be voluntary on the part of school districts, and student participation shall be voluntary on the part of parents.
- <sup>25</sup> In New York, district offering of kindergarten is permissive, however, "a person over 5 and under 21 years of age. . . is entitled to attend the public schools maintained in the district in which such person resides without the payment of tuition" (NY EDUC § 3202).
- <sup>26</sup> Full-day kindergarten is universally available in North Carolina and has been since 1976.
- <sup>27</sup> Districts may choose to set the cut-off date for September 30 or August 1. (OH ST § 3321.01)
- <sup>28</sup> In Ohio, students must complete kindergarten, or by parent request, must demonstrate to the satisfaction of the Pupil Personnel Services Committee that they possess the social, emotional and cognitive skills necessary for 1st grade.
- <sup>29</sup> Beginning with the 2011-12 school year, it will be mandatory that districts offer full day kindergarten. However, the duty to offer full-day kindergarten "may be satisfied by intra-district transfer to a school offering full-day kindergarten, by transferring kindergarten children to other school districts which will accept them and can provide kindergarten for such children, or by contracting for classroom space with a licensed public or licensed private child care provider based upon selection criteria established by the district" (OK ST T 70 § 18-108).
- <sup>30</sup> In South Carolina, if a child is not 6 on or before September 1 of the school year, his parent may elect for him not to attend kindergarten by signing a written document with the school district.
- <sup>31</sup> In South Carolina, districts are required to offer full-day kindergarten unless they apply for a waiver due to lack of space and prohibitive cost. Parents may choose a half-day program for their children.
- <sup>32</sup> In South Dakota, a waiver of the compulsory attendance requirement for children under 7 is granted upon the request of the parents.
- <sup>33</sup> In Tennessee, kindergarten programs must offer a minimum of four hours per day.
- <sup>34</sup> In Vermont, districts may set the entrance age cut-off date anywhere between August 31 and January 1 of the same school year.
- <sup>35</sup> In Virginia, a child is in compliance with compulsory attendance laws if he is attending any public or approved private pre-kindergarten program.
- <sup>36</sup> In West Virginia, students must attend full-day kindergarten unless, under extraordinary circumstances, a readiness test is passed for entrance into the 1st grade.
- <sup>37</sup> In Wisconsin, districts are required to offer full-day kindergarten for low-income students.

*This ECS StateNote was originally compiled in August 2001 by Jessica McMaken, ECS Research Assistant. If you have any questions about this StateNote, or would like to provide updates, please contact ECS' Early Learning Initiative at 303.299.3662 or [ecs@ecs.org](mailto:ecs@ecs.org).*

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