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	Lee	VanSant
	Lofink	Viola
		Wagner
		Williams

DELAWARE STATE SENATE

143rd GENERAL ASSEMBLY

SENATE BILL NO. 251
AS AMENDED BY
SENATE AMENDMENT NO. 1
AND
HOUSE AMENDMENT NOS. 1 & 2

AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO FULL-DAY KINDERGARTEN.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

WHEREAS, Delaware currently mandates a child of kindergarten-eligible age must attend a half-day of kindergarten unless otherwise excepted; and

WHEREAS, in June, 2004, the Delaware Joint Finance Committee apportioned funds to establish up to 10 pilot full-day kindergartens for 2004-2005; and

WHEREAS, in June, 2005, the University of Delaware, College of Human Services, Education and Public Policy under Professor Michael Gamel-McCormick, undertook an in depth study and analysis of these 10 pilot programs comparing them to part-day kindergarten programs; and

WHEREAS, the University of Delaware's analysis revealed that the Delaware students in full-day kindergarten had stronger literacy skills than students in part-day kindergarten; and

WHEREAS, the University of Delaware's analysis revealed that students in full-day kindergarten achieved 6 of 8 kindergarten standards more often than part-day kindergarten students by the end of the school year; and

WHEREAS, the University of Delaware analysis revealed that kindergarten teachers overwhelmingly feel that full-day kindergarten better prepares children for first grade; and

WHEREAS, 98% of parents with children in full-day kindergarten and 72% of parents with children in part-day kindergarten indicated they preferred to have their children enrolled in full-day kindergarten; and

WHEREAS, 60% of all kindergartners nationwide attend a full-day program; and

WHEREAS, several school districts in Delaware, recognizing how important full-day kindergarten is, have on their own struggled to find the money to fund, and indeed, do fund, full-day kindergarten for every child in their district whose parents select it; and

WHEREAS, all charter schools that offer kindergarten offer full-day kindergarten; and

WHEREAS, it is critical to the State of Delaware that all kindergarten children be provided the opportunity for full-day kindergarten regardless of whether the parent can afford to pay for it.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. This Act shall be referred to as the "Full-day Kindergarten Act."

Section 2. Amend Title 14, Section 1049(1) of the Delaware Code by adding before the word "kindergarten" the words "Beginning at the start of the 2008-2009 school year,".

Section 3. Amend Title 14, Section 1049(1) of the Delaware Code by deleting the words "440 hours" and substituting in lieu thereof the words "1060 hours".

Section 4. Amend Title 14, Section 1049(1) of the Delaware Code by deleting the number "1" after the phrase "The number of hours in a school day for grades" and substituting in lieu thereof the letter "k".

Section 5. Amend Title 14, Section 1049(1) by adding at the end of the subsection the following: "Notwithstanding the provisions of this subsection, a local school district may request a waiver of the minimum number of hours for kindergarten, provided the local school district demonstrates evidence of the inability to implement full-day kindergarten to the Secretary of Education, Controller General, and the Director of the Office of Management and Budget. Evidence may include, but not be limited to, two consecutive failed referenda requesting funds for the implementation of full day kindergarten, lack of capacity, unavoidable construction delays. The waiver request shall be submitted to the Secretary of Education no later than February 15th of the school year prior to the next school calendar year and be valid for one school year, after which the district may re-apply for an additional waiver.

Section 6. Amend Title 14, Chapter 27, Section 2702 of the Delaware Code by inserting a new subsection “c(3)” to read as follows:

“(3) The parent, guardian, legal custodian or relative care giver, as defined in Section 202(f)(2) of this Title, of a child who is eligible for admission to kindergarten at age 5 may opt for the child to attend kindergarten for a half-day per day, totaling 440 hours in a school year.”

Section 7. Amend § 1049, Chapter 10, Title 14 of the Delaware Code by designating the current § 1049 as subsection “(a)” and adding a new subsection '(b)' to read as follows:

“(b) Notwithstanding any provision or section of this Chapter to the contrary, each school board shall provide a stand alone, self contained half-day kindergarten option within the district, provided there are 18 or more children signed up for a half-day kindergarten option.”

Section 8. This Act shall become effective in each local 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.