CHAPTER 35

Kindergartens

**SECTION 59‑35‑10.** Kindergarten classes shall be provided.

The board of trustees of each school district shall establish and provide kindergartens for children within its jurisdiction. All children in the five‑year‑old kindergarten program must be counted in the average daily membership of any public school district when public school funds are to be apportioned to the several school districts. State aid for the five‑year‑old kindergarten program must be distributed through the formula provided for in the "Education Finance Act" (Act 163 of 1977).

Beginning with school year 1998‑99, school districts shall offer an extended day five‑year‑old kindergarten program to all requesting parents and shall be eligible for funding for the extended day equal to the EFA weight for a child attending a half‑day five‑year‑old kindergarten program. Local match is required for the extended‑day funding. The State Board of Education may waive the full‑day kindergarten requirement for a particular school district on an annual basis upon application of the district if the board finds the school district does not have available space and the cost of temporary classroom space cannot be justified.

Parents of children who are eligible to attend the extended‑day five‑year‑old kindergarten may elect the half‑day program for their children. Parents intending to enroll their eligible children in a full‑day kindergarten program must notify the district by January thirty‑first of the year of the anticipated enrollment date. Parents moving into the district after the notification date may apply for full‑day kindergarten, and the district shall enroll such child in its full‑day program on a space available basis. Any parent or guardian of a child eligible for kindergarten may elect for their child or ward not to attend kindergarten pursuant to Section 59‑65‑10.

HISTORY: 1962 Code Section 21‑601; 1952 Code Section 21‑601; 1942 Code Section 5400; 1932 Code Section 5407; Civ. C. '22 Section 2649; 1913 (28) 195; 1978 Act No. 633 Section 3; 1984 Act No. 512, Part II, Section 9, Division II, Subdivision A, SubPart 3, Section 2(A); 1996 Act No. 458, Part II, Section 69; 1998 Act No. 419, Part II, Section 4.