

49-6-201. Minimum Kindergarten Program Law.

(a) This section shall be known and may be cited as the "Minimum Kindergarten Program Law."

(b) The minimum standards for kindergarten programs in the public school system shall be as follows:

(1) The kindergarten program shall offer only the conventional five-day week and shall coincide as nearly as practical with the school term of the local school system;

(2) The length of the kindergarten day shall not be less than four (4) hours; however, if one (1) individual teaches kindergarten more than one (1) session per day, the total number of students shall not exceed the number otherwise permitted by § 49-1-104 for one (1) kindergarten class;

(3) Children entering kindergarten shall be five (5) years of age on or before September 30 of the current kindergarten term;

(4) Teachers of kindergarten shall hold a valid Tennessee license in accordance with the rules and regulations of the state board of education;

(5) The employment of adult aides or teacher's aides for kindergarten shall be within the discretion of the local board of education. No salaries or other costs of adult aides or teacher's aides shall be paid from state education funds. The cost shall be paid from local school system funds;

(6) State funds for kindergarten purposes shall be apportioned between the school systems in accordance with the basic education program (BEP). Each school system shall notify the commissioner of education by no later than August 1 of each year of the number of kindergarten classes that it will provide for the next school term. The amount of kindergarten funds that are allocated to a school system but not claimed by the system in any school term shall be apportioned for one (1) year only among the school systems that have qualified for more kindergarten classes than the initial allocation provided;

(7) The state funds for the kindergarten program shall be determined in accordance with the guidelines in effect for the school year 1972-1973; and

(8) Any school system with an adequate number of kindergarten classrooms that conform to the standards of the state board of education, in effect on May 8, 1973, for the classrooms and with the approval of the commissioner may use state funds for kindergarten capital outlay for operating expenses of its kindergarten program. Capital outlay funds shall be used by school systems to provide kindergarten classrooms that conform to all such standards for such classrooms prior to the use of the funds by any school system for operating expenses. Any school system having existing classrooms that conform to the standards of the state board of education for first grade classrooms on May 8, 1973, may use such classrooms as kindergarten classrooms upon approval of the commissioner. The commissioner

shall not approve or grant a waiver to any local school system for the use of kindergarten capital outlay funds for operating expenses unless the kindergarten classrooms of the system fully comply with this section.

(c) Each LEA operating elementary schools under the laws of this state shall establish and maintain kindergarten programs in accordance with subsection (b) and rules and regulations promulgated by the state board of education.

(d) No child shall be eligible to enter first grade after July 1, 1993, without having attended an approved kindergarten program; provided, that a child meeting the requirements of the state board of education for transfer or admission, as determined by the commissioner, may be admitted by an LEA, notwithstanding any other provision or act to the contrary.