

## HB43 INTRODUCED



- 1 QNUQ41-1
- 2 By Representative Warren
- 3 RFD: Education Policy
- 4 First Read: 07-Mar-23
- 5 PFD: 23-Feb-23



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SYNOPSIS:

Under existing law, a child who is six years of age on or before December 31 is entitled to admission to the first grade in the public elementary schools, and a child who is five years of age on or before September 1 is entitled to admission to the local public school kindergartens.

This bill would allow a child who becomes six years of age between September 1 and December 31 to be admitted to the first grade, as long as he or she has completed kindergarten or otherwise demonstrates first grade readiness.

This bill would also provide for those circumstances where a child under five years of age on September 1 may be admitted to public kindergarten.

Section 111.05 of the Constitution of Alabama of 2022, prohibits a general law whose purpose or effect would be to require a new or increased expenditure of local funds from becoming effective with regard to a local governmental entity without enactment by a 2/3 vote unless: it comes within one of a number of specified exceptions; it is approved by the affected entity; or the Legislature appropriates funds, or provides a local source of revenue, to the entity for the purpose.



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29                   The purpose or effect of this bill would be to  
30                   require a new or increased expenditure of local funds  
31                   within the meaning of the amendment. However, the bill  
32                   does not require approval of a local governmental  
33                   entity or enactment by a 2/3 vote to become effective  
34                   because it comes within one of the specified exceptions  
35                   contained in the amendment.

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A BILL

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TO BE ENTITLED

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AN ACT

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42                   To amend Section 16-28-4, Code of Alabama 1975,  
43                   relating to the minimum age for attendance at public schools;  
44                   to require a child who becomes six years of age between  
45                   September 1 and December 31 to complete kindergarten or  
46                   demonstrate first grade readiness before entering the first  
47                   grade; to provide for circumstances under which a child who is  
48                   under five years of age on September 1 may be admitted to  
49                   public kindergarten; and in connection therewith would have as  
50                   its purpose or effect the requirement of a new or increased  
51                   expenditure of local funds within the meaning of Section  
52                   111.05 of the Constitution of Alabama of 2022.

53

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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Section 1. Section 16-28-4 of the Code of Alabama 1975,  
55                   is amended to read as follows:

56

"§16-28-4



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57 (a) A child who is ~~six~~ five years of age on or before  
58 ~~December 31~~ September 1 or the date on which school begins in  
59 the enrolling district shall be entitled to admission to ~~the~~  
60 ~~first grade~~ kindergarten in the public elementary schools at  
61 the opening of ~~such~~ schools for that school year or as soon as  
62 practicable thereafter. ~~A child who is under six years of age~~  
63 ~~on December 31 or the date on which school begins in the~~  
64 ~~enrolling district shall not be entitled to admission to the~~  
65 ~~first grade in the public elementary schools during that~~  
66 ~~school year; except, that an underage child who transfers from~~  
67 ~~the first grade of a school in another state may be admitted~~  
68 ~~to school upon approval of the board of education in~~  
69 ~~authority, and an underage child who has moved into this state~~  
70 ~~having completed or graduated from a mandated kindergarten~~  
71 ~~program in another state shall be entitled to admission to the~~  
72 ~~public elementary schools regardless of age. A child who~~  
73 ~~becomes six years of age on or before February 1 may, on~~  
74 ~~approval of the local board of education, be admitted at the~~  
75 ~~beginning of the second semester of that school year to~~  
76 ~~schools in school systems having semiannual promotions of~~  
77 ~~pupils.~~

78 (b) A child who ~~is five~~ becomes six years of age ~~on or~~  
79 ~~before~~ between September 1 and December 31, or by the date on  
80 which school begins in the enrolling district, shall be  
81 entitled to admission to the first grade in the local public  
82 school ~~kindergartens~~ at the opening of ~~such~~ schools for that  
83 school year or as soon as practicable thereafter; ~~a child who~~  
84 ~~is under five years of age on September 1 or the date on which~~



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85 ~~school begins in the enrolling district shall not be entitled~~  
86 ~~to admission to such schools during that school year; except~~  
87 ~~that, an underage child who transfers from the public school~~  
88 ~~kindergarten in another state may be admitted to local public~~  
89 ~~kindergarten on the prior approval of the local board of~~  
90 ~~education on a space available basis. The aforementioned~~  
91 ~~underage children transferring from the public school~~  
92 ~~kindergartens of another state, upon successful completion of~~  
93 ~~the kindergarten in the local public schools, will then be~~  
94 ~~allowed admission to the first grade of the local public~~  
95 ~~schools.~~ as long as the child has successfully completed  
96 kindergarten or otherwise demonstrates first grade entry  
97 readiness, as determined by the State Board of Education, on  
98 an assessment of essential developmental and physical skills  
99 which shall be created by the Department of Education and  
100 approved by the State Board of Education. The department shall  
101 publish information about essential first grade readiness  
102 skills on its website.

103 (c) An underage child may be admitted to public  
104 kindergarten, on approval of the local board of education on a  
105 space available basis, in either of the following  
106 circumstances:

107 (1) The underage child transfers from a public  
108 kindergarten in another state.

109 (2) The child will become five years of age between  
110 September 1 and December 31, and the child satisfies certain  
111 criteria that the local board of education may establish for  
112 underage enrollment, which, if adopted, shall include the



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113 successful completion of an assessment to determine  
114 developmental readiness for enrollment.

115 (d) An underage child may be admitted to public first  
116 grade if the underage child transfers from the first grade of  
117 a school in another state.

118 (e) Nothing in this section shall affect the  
119 eligibility of students for special education services as  
120 provided by federal and state law.

121 ~~(e)~~ (f) No public school system shall lose any teacher  
122 unit as a result of this section. The State Board of Education  
123 is authorized to adopt policies for local boards of education  
124 for the implementation of this section."

125 Section 2. This act shall become effective on the first  
126 day of the third month following its passage and approval by  
127 the Governor, or its otherwise becoming law.