

1 HB331
2 216811-1
3 By Representatives Warren, Drummond, Sells, Gray, Hollis,
4 McClammy, Wingo, Holmes, Jackson, Boyd, Grimsley, Lovvorn,
5 Whitt, Crawford, Baker, Lawrence, Coleman and Collins
6 RFD: Education Policy
7 First Read: 09-FEB-22

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.

Amendment 621 of the Constitution of Alabama of 1901, now appearing as Section 111.05 of the Official Recompilation of the Constitution of Alabama of 1901, as amended, prohibits a general law whose purpose or effect would be to require a

1 new or increased expenditure of local funds from
2 becoming effective with regard to a local
3 governmental entity without enactment by a 2/3 vote
4 unless: it comes within one of a number of
5 specified exceptions; it is approved by the
6 affected entity; or the Legislature appropriates
7 funds, or provides a local source of revenue, to
8 the entity for the purpose.

9 The purpose or effect of this bill would be
10 to require a new or increased expenditure of local
11 funds within the meaning of the amendment. However,
12 the bill does not require approval of a local
13 governmental entity or enactment by a 2/3 vote to
14 become effective because it comes within one of the
15 specified exceptions contained in the amendment.

16
17 A BILL
18 TO BE ENTITLED
19 AN ACT
20

21 To amend Section 16-28-4, Code of Alabama 1975,
22 relating to the minimum age for attendance at public schools;
23 to require a child who becomes six years of age between
24 September 1 and December 31 to complete kindergarten or
25 demonstrate first grade readiness before entering the first
26 grade; to provide for circumstances under which a child who is
27 under five years of age on September 1 may be admitted to

1 public kindergarten; and in connection therewith would have as
2 its purpose or effect the requirement of a new or increased
3 expenditure of local funds within the meaning of Amendment 621
4 of the Constitution of Alabama of 1901, now appearing as
5 Section 111.05 of the Official ReCompilation of the
6 Constitution of Alabama of 1901, as amended.

7 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

8 Section 1. Section 16-28-4 of the Code of Alabama
9 1975, is amended to read as follows:

10 "§16-28-4.

11 "(a) A child who is ~~six~~ five years of age on or
12 before ~~December 31~~ September 1 or the date on which school
13 begins in the enrolling district shall be entitled to
14 admission to ~~the first grade~~ kindergarten in the public
15 elementary schools at the opening of ~~such~~ schools for that
16 school year or as soon as practicable thereafter. ~~A child who~~
17 ~~is under six years of age on December 31 or the date on which~~
18 ~~school begins in the enrolling district shall not be entitled~~
19 ~~to admission to the first grade in the public elementary~~
20 ~~schools during that school year; except, that an underage~~
21 ~~child who transfers from the first grade of a school in~~
22 ~~another state may be admitted to school upon approval of the~~
23 ~~board of education in authority, and an underage child who has~~
24 ~~moved into this state having completed or graduated from a~~
25 ~~mandated kindergarten program in another state shall be~~
26 ~~entitled to admission to the public elementary schools~~
27 ~~regardless of age. A child who becomes six years of age on or~~

1 ~~before February 1 may, on approval of the local board of~~
2 ~~education, be admitted at the beginning of the second semester~~
3 ~~of that school year to schools in school systems having~~
4 ~~semiannual promotions of pupils.~~

5 " (b) A child who ~~is five~~ becomes six years of age ~~on~~
6 ~~or before~~ between September 1 and December 31, or by the date
7 on which school begins in the enrolling district, shall be
8 entitled to admission to the first grade in the local public
9 school ~~kindergartens~~ at the opening of ~~such~~ schools for that
10 school year or as soon as practicable thereafter, ~~;~~ ~~a child who~~
11 ~~is under five years of age on September 1 or the date on which~~
12 ~~school begins in the enrolling district shall not be entitled~~
13 ~~to admission to such schools during that school year; except~~
14 ~~that, an underage child who transfers from the public school~~
15 ~~kindergarten in another state may be admitted to local public~~
16 ~~kindergarten on the prior approval of the local board of~~
17 ~~education on a space available basis. The aforementioned~~
18 ~~underage children transferring from the public school~~
19 ~~kindergartens of another state, upon successful completion of~~
20 ~~the kindergarten in the local public schools, will then be~~
21 ~~allowed admission to the first grade of the local public~~
22 ~~schools kindergarten or has otherwise demonstrated first grade~~
23 ~~readiness on a district approved assessment. as long as the~~
24 child has successfully completed kindergarten or otherwise
25 demonstrates first grade entry readiness, as determined by the
26 State Board of Education, on an assessment of essential
27 developmental and physical skills which shall be created by

1 the Department of Education and approved by the State Board of
2 Education. The department shall publish information about
3 essential first grade readiness skills on its website.

4 "(c) An underage child may be admitted to public
5 kindergarten, on approval of the local board of education on a
6 space available basis, in either of the following
7 circumstances:

8 "(1) The underage child transfers from a public
9 kindergarten in another state.

10 "(2) The child will become five years of age between
11 September 1 and December 31, and the child satisfies certain
12 criteria that the local board of education may establish for
13 underage enrollment, which, if adopted, shall include the
14 successful completion of an assessment to determine
15 developmental readiness for enrollment.

16 "(d) An underage child may be admitted to public
17 first grade if the underage child transfers from the first
18 grade of a school in another state.

19 "(e) Nothing in this section shall affect the
20 eligibility of students for special education services as
21 provided by federal and state law.

22 ~~"(c)-(d)~~(f) No public school system shall lose any
23 teacher unit as a result of this section. The State Board of
24 Education is authorized to adopt policies for local boards of
25 education for the implementation of this section."

1 Section 2. This act shall become effective
2 immediately following its passage and approval by the
3 Governor, or its otherwise becoming law.