

1 HB440
2 203133-1
3 By Representatives Warren, Drummond, McMillan, Collins,
4 Pettus, Wadsworth and Whorton
5 RFD: Ways and Means Education
6 First Read: 12-MAR-20

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 require a child who is five years of age on or before September 1 to enroll in kindergarten and would provide for circumstances under which a child who is 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 new or increased expenditure of local funds from becoming effective with regard to a local governmental entity without enactment by a 2/3 vote

1 unless: it comes within one of a number of
2 specified exceptions; it is approved by the
3 affected entity; or the Legislature appropriates
4 funds, or provides a local source of revenue, to
5 the entity for the purpose.

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

13
14 A BILL
15 TO BE ENTITLED
16 AN ACT

17
18 To amend Section 16-28-4, Code of Alabama 1975,
19 relating to the minimum age for attendance at public schools;
20 to require a child who is five years of age on or before
21 September 1 to enroll in kindergarten; to provide for
22 circumstances under which a child who is under five years of
23 age on September 1 may be admitted to public kindergarten; and
24 in connection therewith would have as its purpose or effect
25 the requirement of a new or increased expenditure of local
26 funds within the meaning of Amendment 621 of the Constitution
27 of Alabama of 1901, now appearing as Section 111.05 of the

1 Official Recompilation of the Constitution of Alabama of 1901,
2 as amended.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

4 Section 1. Section 16-28-4 of the Code of Alabama
5 1975, is amended to read as follows:

6 "§16-28-4.

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

27 "(b)(a) Except as otherwise provided by law:

1 "(1) A child who is five years of age on or before
2 September 1 or the date on which school begins in the
3 enrolling district shall ~~be entitled to admission to the local~~
4 ~~public school kindergartens~~ enroll in kindergarten at the
5 opening of ~~such~~ schools for that school year or as soon as
6 practicable thereafter; ~~a.~~

7 "(2) A child who is under five years of age on
8 September 1 or the date on which school begins in the
9 enrolling district shall not be entitled to admission to such
10 schools during that school year; ~~except that, an underage~~
11 ~~child who transfers from the public school kindergarten in~~
12 ~~another state may be admitted to local public kindergarten on~~
13 ~~the prior approval of the local board of education on a space~~
14 ~~available basis. The aforementioned underage children~~
15 ~~transferring from the public school kindergartens of another~~
16 ~~state, upon successful completion of the kindergarten in the~~
17 ~~local public schools, will then be allowed admission to the~~
18 ~~first grade of the local public schools~~ as provided in
19 subsection (b).

20 "(b) An underage child may be admitted to public
21 kindergarten, on approval of the local board of education on a
22 space available basis, in either of the following
23 circumstances:

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

26 "(2) The child will turn five years of age between
27 September 1 and December 31, and the child satisfies certain

1 criteria that the local board of education may establish for
2 underage enrollment, that, if adopted, shall include the
3 successful completion of an assessment to determine
4 developmental readiness for enrollment.

5 "(c) No public school system shall lose any teacher
6 unit as a result of this section. The State Board of Education
7 is authorized to adopt policies for local boards of education
8 for the implementation of this section."

9 Section 2. This act shall become effective June 1,
10 2021, following its passage and approval by the Governor, or
11 its otherwise becoming law.