

1           HB208  
2           207905-2  
3           By Representative Warren  
4           RFD: Education Policy  
5           First Read: 02-FEB-21  
6           PFD: 01/29/2021

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

14 This bill would require a child to attend  
15 kindergarten before entering the first grade.

16 This bill would require a child who is five  
17 years of age on or before September 1 to enroll in  
18 kindergarten and would provide for circumstances  
19 under which a child who is under five years of age  
20 on September 1 may be admitted to public  
21 kindergarten.

22 Amendment 621 of the Constitution of Alabama  
23 of 1901, now appearing as Section 111.05 of the  
24 Official Recompilation of the Constitution of  
25 Alabama of 1901, as amended, prohibits a general  
26 law whose purpose or effect would be to require a  
27 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.

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

A BILL

TO BE ENTITLED

## AN ACT

To amend Section 16-28-4, Code of Alabama 1975, relating to the minimum age for attendance at public schools; to require a child to attend kindergarten before entering the first grade; to require a child who is five years of age on or before September 1 to enroll in kindergarten; to provide for circumstances under which a child who is under five years of age on September 1 may be admitted to public kindergarten; and in connection therewith would have as its purpose or effect

the requirement of a new or increased expenditure of local funds within the meaning of 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.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

"§16-28-4.

"(a) A child who is six years of age on or before December 31 or the date on which school begins in the enrolling district shall be entitled to admission to the first grade in the public elementary schools at the opening of such schools for that school year or as soon as practicable thereafter. A child who is under six years of age on December 31 or the date on which school begins in the enrolling district shall not be entitled to admission to the first grade in the public elementary schools during that school year, except, that an underage child who transfers from the first grade of a school in another state may be admitted to school upon approval of the board of education in authority, and an underage child who has moved into this state having completed or graduated from a mandated kindergarten program in another state shall be entitled to admission to the public elementary schools regardless of age. A child who becomes six years of age on or before February 1 may, on approval of the local board of education, be admitted at the beginning of the second

semester of that school year to schools in school systems having semiannual promotions of pupils.

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

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

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

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

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

3                   "(2) The child will turn five years of age between  
4 September 1 and December 31, and the child satisfies certain  
5 criteria that the local board of education may establish for  
6 underage enrollment, that, if adopted, shall include the  
7 successful completion of an assessment to determine  
8 developmental readiness for enrollment.

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

13                   Section 2. This act shall become effective June 1,  
14 2022, following its passage and approval by the Governor, or  
15 its otherwise becoming law.