

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

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 to attend kindergarten before entering the first grade.

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

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

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

15  
16                           A BILL  
17                           TO BE ENTITLED  
18                           AN ACT  
19

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

1 the requirement of a new or increased expenditure of local  
2 funds within the meaning of Amendment 621 of the Constitution  
3 of Alabama of 1901, now appearing as Section 111.05 of the  
4 Official Recompilation of the Constitution of Alabama of 1901,  
5 as amended.

6 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

9 "§16-28-4.

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

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

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

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

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

23 "(b) An underage child may be admitted to public  
24 kindergarten, on approval of the local board of education on a  
25 space available basis, in either of the following  
26 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.