

**House Education Policy Engrossed Substitute for
HB43**



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A BILL
TO BE ENTITLED
AN ACT

10 To amend Section 16-28-4, Code of Alabama 1975,
11 relating to the minimum age for attendance at public schools;
12 to require a child to complete kindergarten or demonstrate
13 first grade readiness before entering the first grade; to
14 provide for circumstances under which a child who is under
15 five years of age on September 1 may be admitted to public
16 kindergarten; to provide for circumstances under which a child
17 who is under six years of age on December 31 may be admitted
18 to public school first grade; and in connection therewith
19 would have as its purpose or effect the requirement of a new
20 or increased expenditure of local funds within the meaning of
21 Section 111.05 of the Constitution of Alabama of 2022.

22 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

25 "§16-28-4

26 (a) A child who is ~~six~~ five years of age on or before
27 ~~December 31~~ September 1 or the date on which school begins in
28 the enrolling district shall be entitled to admission to ~~the~~



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29 ~~first grade kindergarten in the public elementary schools at~~
30 ~~the opening of ~~such~~ schools for that school year or as soon as~~
31 ~~practicable thereafter. ~~A child who is under six years of age~~~~
32 ~~~~on December 31 or the date on which school begins in the~~~~
33 ~~~~enrolling district shall not be entitled to admission to the~~~~
34 ~~~~first grade in the public elementary schools during that~~~~
35 ~~~~school year; except, that an underage child who transfers from~~~~
36 ~~~~the first grade of a school in another state may be admitted~~~~
37 ~~~~to school upon approval of the board of education in~~~~
38 ~~~~authority, and an underage child who has moved into this state~~~~
39 ~~~~having completed or graduated from a mandated kindergarten~~~~
40 ~~~~program in another state shall be entitled to admission to the~~~~
41 ~~~~public elementary schools regardless of age. A child who~~~~
42 ~~~~becomes six years of age on or before February 1 may, on~~~~
43 ~~~~approval of the local board of education, be admitted at the~~~~
44 ~~~~beginning of the second semester of that school year to~~~~
45 ~~~~schools in school systems having semiannual promotions of~~~~
46 ~~~~pupils.~~~~

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

51 (1) The underage child transfers from a public
52 kindergarten in another state.

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

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57 successful completion of an assessment to determine
58 developmental readiness for enrollment.

59 ~~(b) (c) A child who is five years of age on or before~~
60 ~~September 1 or~~ successfully completes kindergarten by the date
61 on which school begins in the enrolling district shall be
62 entitled to admission to the first grade in the local public
63 school ~~kindergartens~~ at the opening of ~~such~~ schools for that
64 school year or as soon as practicable thereafter; ~~a child who~~
65 ~~is under five years of age on September 1 or the date on which~~
66 ~~school begins in the enrolling district shall not be entitled~~
67 ~~to admission to such schools during that school year; except~~
68 ~~that, an underage child who transfers from the public school~~
69 ~~kindergarten in another state may be admitted to local public~~
70 ~~kindergarten on the prior approval of the local board of~~
71 ~~education on a space available basis. The aforementioned~~
72 ~~underage children transferring from the public school~~
73 ~~kindergartens of another state, upon successful completion of~~
74 ~~the kindergarten in the local public schools, will then be~~
75 ~~allowed admission to the first grade of the local public~~
76 ~~schools.~~

77 (d) A child who is six years of age on or before
78 December 31, or the date on which school begins in the
79 enrolling district, and who has not successfully completed
80 kindergarten, shall be entitled to admission to the first
81 grade in the local public school at the opening of schools for
82 that school year or as soon as practicable thereafter, as long
83 as the child demonstrates first grade entry readiness, as
84 determined by the State Board of Education, on an assessment



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85 of essential development and physical skills which shall be
86 created by the State Department of Education and approved by
87 the State Board of Education. The department shall publish
88 information about essential first grade readiness skills on
89 its website.

90 (e) An underage child, regardless of whether he or she
91 has successfully completed kindergarten or otherwise
92 demonstrates first grade readiness, may be admitted to the
93 public school first grade if the underage child transfers from
94 the first grade of a school in another state.

95 (f) Nothing in this section shall affect the
96 eligibility of students for special education services as
97 provided by federal and state law.

98 ~~(e)~~ (g) No public school system shall lose any teacher
99 unit as a result of this section. The State Board of Education
100 is authorized to adopt policies for local boards of education
101 for the implementation of this section."

102 Section 2. The purpose or effect of this bill would be
103 to require a new or increased expenditure of local funds
104 within the meaning of Section 111.05 of the Constitution of
105 Alabama of 2022. If this bill is not enacted by a 2/3 vote, it
106 will not become effective with regard to a local board of
107 education unless approved by the local board of education or
108 until, and only as long as, the Legislature appropriates funds
109 or provides for a local source of revenue.

110 Section 3. This act shall become effective on the first
111 day of the third month following its passage and approval by
112 the Governor, or its otherwise becoming law.