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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 to be admitted to the first grade as long as he or she has successfully completed kindergarten and would allow a child who is six years of age on or before December 31 to be admitted to the first grade so long as he or she 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 and where a child under six years of age on December 31 may be admitted to public school first grade.

Section 111.05 of the Constitution of Alabama of 2022, 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 unless: it comes within one of a number of specified exceptions; it is approved by the affected



29 entity; or the Legislature appropriates funds, or
30 provides a local source of revenue, to the entity for
31 the purpose.

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

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A BILL

42

TO BE ENTITLED

43

AN ACT

44

45 To amend Section 16-28-4, Code of Alabama 1975,
46 relating to the minimum age for attendance at public schools;
47 to require a child to complete kindergarten or demonstrate
48 first grade readiness before entering the first grade; to
49 provide for circumstances under which a child who is under
50 five years of age on September 1 may be admitted to public
51 kindergarten; to provide for circumstances under which a child
52 who is under six years of age on December 31 may be admitted
53 to public school first grade; and in connection therewith
54 would have as its purpose or effect the requirement of a new
55 or increased expenditure of local funds within the meaning of
56 Section 111.05 of the Constitution of Alabama of 2022.



57 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

60 "§16-28-4

61 (a) A child who is ~~six~~ five years of age on or before
62 ~~December 31~~ September 1 or the date on which school begins in
63 the enrolling district shall be entitled to admission to ~~the~~
64 ~~first grade~~ kindergarten in the public elementary schools at
65 the opening of ~~such~~ schools for that school year or as soon as
66 practicable thereafter. ~~A child who is under six years of age~~
67 ~~on December 31 or the date on which school begins in the~~
68 ~~enrolling district shall not be entitled to admission to the~~
69 ~~first grade in the public elementary schools during that~~
70 ~~school year; except, that an underage child who transfers from~~
71 ~~the first grade of a school in another state may be admitted~~
72 ~~to school upon approval of the board of education in~~
73 ~~authority, and an underage child who has moved into this state~~
74 ~~having completed or graduated from a mandated kindergarten~~
75 ~~program in another state shall be entitled to admission to the~~
76 ~~public elementary schools regardless of age. A child who~~
77 ~~becomes six years of age on or before February 1 may, on~~
78 ~~approval of the local board of education, be admitted at the~~
79 ~~beginning of the second semester of that school year to~~
80 ~~schools in school systems having semiannual promotions of~~
81 ~~pupils.~~

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



85 circumstances:

86 (1) The underage child transfers from a public
87 kindergarten in another state.

88 (2) The child will become five years of age between
89 September 1 and December 31, and the child satisfies certain
90 criteria that the local board of education may establish for
91 underage enrollment which, if adopted, shall include the
92 successful completion of an assessment to determine
93 developmental readiness for enrollment.

94 ~~(b) (c) A child who is five years of age on or before~~
95 ~~September 1 or~~ successfully completes kindergarten by the date
96 on which school begins in the enrolling district shall be
97 entitled to admission to the first grade in the local public
98 school ~~kindergartens~~ at the opening of ~~such~~ schools for that
99 school year or as soon as practicable thereafter; ~~a child who~~
100 ~~is under five years of age on September 1 or the date on which~~
101 ~~school begins in the enrolling district shall not be entitled~~
102 ~~to admission to such schools during that school year; except~~
103 ~~that, an underage child who transfers from the public school~~
104 ~~kindergarten in another state may be admitted to local public~~
105 ~~kindergarten on the prior approval of the local board of~~
106 ~~education on a space available basis. The aforementioned~~
107 ~~underage children transferring from the public school~~
108 ~~kindergartens of another state, upon successful completion of~~
109 ~~the kindergarten in the local public schools, will then be~~
110 ~~allowed admission to the first grade of the local public~~
111 ~~schools.~~

112 (d) A child who is six years of age on or before



113 December 31, or the date on which school begins in the
114 enrolling district, and who has not successfully completed
115 kindergarten, shall be entitled to admission to the first
116 grade in the local public school at the opening of schools for
117 that school year or as soon as practicable thereafter, as long
118 as the child demonstrates first grade entry readiness, as
119 determined by the State Board of Education, on an assessment
120 of essential development and physical skills which shall be
121 created by the State Department of Education and approved by
122 the State Board of Education. The department shall publish
123 information about essential first grade readiness skills on
124 its website.

125 (e) An underage child, regardless of whether he or she
126 has successfully completed kindergarten or otherwise
127 demonstrates first grade readiness, may be admitted to the
128 public school first grade if the underage child transfers from
129 the first grade of a school in another state.

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

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

137 Section 2. The purpose or effect of this bill would be
138 to require a new or increased expenditure of local funds
139 within the meaning of Section 111.05 of the Constitution of
140 Alabama of 2022. If this bill is not enacted by a 2/3 vote, it



141 will not become effective with regard to a local board of
142 education unless approved by the local board of education or
143 until, and only as long as, the Legislature appropriates funds
144 or provides for a local source of revenue.

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