SB76

UL2UDDD-1

By Senators Chesteen, Reed, Livingston, Price, Melson, Stutts

RFD: Education Policy

First Read: 07-Feb-24

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 who becomes six years of age on or before December 31, or the date on which school begins, to be admitted to the first grade, as long as he or she has completed kindergarten or otherwise demonstrates first grade readiness.

This bill would also provide for those circumstances where an underage child may be admitted to public school kindergarten.

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 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 complete kindergarten or demonstrate first grade readiness before entering the first grade; to provide for circumstances under which a child who is under five years of age on September 1 may be admitted to public kindergarten; to provide for circumstances under which a child who is under six years of age on December 31 may be admitted to public school first grade; 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 Section 111.05 of the Constitution of Alabama of 2022.

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~~ five years of age on or before ~~December 31~~ September 1 or the date on which school begins in the enrolling district shall be entitled to admission to ~~the first grade~~ kindergarten 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) 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) The underage child transfers from a public kindergarten in another state.

(2) The child will become five years of age between

September 1 and December 31, and the child satisfies certain criteria that the local board of education may establish for underage enrollment which, if adopted, shall include the successful completion of an assessment to determine developmental readiness for enrollment.

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

(d) A child who is six years of age on or before December 31, or the date on which school begins in the enrolling district, and who has not successfully completed kindergarten, shall be entitled to admission to the first grade in the local public school at the opening of schools for

that school year or as soon as practicable thereafter, as long as the child demonstrates first grade entry readiness, as determined by the State Board of Education, on an assessment of essential development and physical skills which shall be created by the State Department of Education and approved by the State Board of Education. The department shall publish information about essential first grade readiness skills on its website. If a child does not meet first grade readiness, as determined on the assessment approved by the State Board of Education, the child shall be enrolled in kindergarten.

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

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

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

Section 2. The purpose or effect of this bill would be to require a new or increased expenditure of local funds within the meaning of Section 111.05 of the Constitution of Alabama of 2022. If this bill is not enacted by a 2/3 vote, it will not become effective with regard to a local board of education unless approved by the local board of education or

until, and only as long as, the Legislature appropriates funds or provides for a local source of revenue.

Section 3. This act shall become effective July 1, 2024.