

HB113 INTRODUCED



1 HB113
2 EILG922-1
3 By Representatives Warren, Forte, Lawrence, McClammy, Gray,
4 Jackson, Drummond, Collins, Estes
5 RFD: Education Policy
6 First Read: 06-Feb-24



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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



HB113 INTRODUCED

29 require a new or increased expenditure of local funds
30 within the meaning of the amendment. However, the bill
31 does not require approval of a local governmental
32 entity or enactment by a 2/3 vote to become effective
33 because it comes within one of the specified exceptions
34 contained in the amendment

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A BILL

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TO BE ENTITLED

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AN ACT

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

53 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

56 "§16-28-4



HB113 INTRODUCED

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

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

82 (1) The underage child transfers from a public
83 kindergarten in another state.

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



HB113 INTRODUCED

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

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

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



HB113 INTRODUCED

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

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

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

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

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



HB113 INTRODUCED

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

143 Section 3. This act shall become effective July 1,
144 2024.