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3 HOUSE EDUCATION POLICY COMMITTEE SUBSTITUTE FOR HB208
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8 SYNOPSIS: Under existing law, a child who is six years
9 of age on or before December 31 is entitled to
10 admission to the first grade in the public
11 elementary schools, and a child who is five years
12 of age on or before September 1 is entitled to
13 admission to the local public school kindergartens.

14 This bill would allow a child who becomes
15 six years of age between September 1 and December
16 31, to be admitted to the first grade, as long as
17 he or she has completed kindergarten or otherwise
18 demonstrates first grade readiness on a district
19 approved assessment.

20 This bill would also provide for those
21 circumstances where a child under five years of age
22 on September 1 may be admitted to public
23 kindergarten.

24 Amendment 621 of the Constitution of Alabama
25 of 1901, now appearing as Section 111.05 of the
26 Official Recompilation of the Constitution of
27 Alabama of 1901, as amended, prohibits a general

1 law whose purpose or effect would be to require a
2 new or increased expenditure of local funds from
3 becoming effective with regard to a local
4 governmental entity without enactment by a 2/3 vote
5 unless: it comes within one of a number of
6 specified exceptions; it is approved by the
7 affected entity; or the Legislature appropriates
8 funds, or provides a local source of revenue, to
9 the entity for the purpose.

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

17
18 A BILL
19 TO BE ENTITLED
20 AN ACT
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22 To amend Section 16-28-4, Code of Alabama 1975,
23 relating to the minimum age for attendance at public schools;
24 to require a child who becomes six years of age between
25 September 1 and December 31 to complete kindergarten or
26 demonstrate first grade readiness before entering the first
27 grade; to provide for circumstances under which a child who is

1 under five years of age on September 1 may be admitted to
2 public kindergarten; and in connection therewith would have as
3 its purpose or effect the requirement of a new or increased
4 expenditure of local funds within the meaning of Amendment 621
5 of the Constitution of Alabama of 1901, now appearing as
6 Section 111.05 of the Official ReCompilation of the
7 Constitution of Alabama of 1901, as amended.

8 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

9 Section 1. Section 16-28-4 of the Code of Alabama
10 1975, is amended to read as follows:

11 "§16-28-4.

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

1 ~~regardless of age. A child who becomes six years of age on or~~
2 ~~before February 1 may, on approval of the local board of~~
3 ~~education, be admitted at the beginning of the second semester~~
4 ~~of that school year to schools in school systems having~~
5 ~~semiannual promotions of pupils.~~

6 "(b) A child who ~~is five~~ becomes six years of age on
7 ~~or before~~ between September 1 and December 31, or by the date
8 on which school begins in the enrolling district, shall be
9 entitled to admission to the first grade in the local public
10 school ~~kindergartens~~ at the opening of ~~such~~ schools for that
11 school year or as soon as practicable thereafter; ~~a child who~~
12 ~~is under five years of age on September 1 or the date on which~~
13 ~~school begins in the enrolling district shall not be entitled~~
14 ~~to admission to such schools during that school year; except~~
15 ~~that, an underage child who transfers from the public school~~
16 ~~kindergarten in another state may be admitted to local public~~
17 ~~kindergarten on the prior approval of the local board of~~
18 ~~education on a space available basis. The aforementioned~~
19 ~~underage children transferring from the public school~~
20 ~~kindergartens of another state, upon successful completion of~~
21 ~~the kindergarten in the local public schools, will then be~~
22 ~~allowed admission to the first grade of the local public~~
23 ~~schools,~~ as long as the child has successfully completed
24 kindergarten or has otherwise demonstrated first grade
25 readiness on a district approved assessment.

26 "(c) An underage child may be admitted to public
27 kindergarten, on approval of the local board of education on a

1 space available basis, in either of the following
2 circumstances:

3 "(1) The underage child transfers from a public
4 kindergarten in another state.

5 "(2) The child will become five years of age between
6 September 1 and December 31, and the child satisfies certain
7 criteria that the local board of education may establish for
8 underage enrollment, which, if adopted, shall include the
9 successful completion of an assessment to determine
10 developmental readiness for enrollment.

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

15 Section 2. This act shall become effective on the
16 first day of the third month, following its passage and
17 approval by the Governor, or its otherwise becoming law.