HB43 ENGROSSED



- 1 QNUQ41-2
- 2 By Representative Warren
- 3 RFD: Education Policy
- 4 First Read: 07-Mar-23
- 5 PFD: 23-Feb-23

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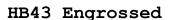


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| 6 | A BILL |
| 7 | TO BE ENTITLED |
| 8 | AN ACT |
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| 10 | To amend Section 16-28-4, Code of Alabama 1975, |
| 11 | relating to the minimum age for attendance at public schools; |
| 12 | to require 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— <u>six</u> <u>five</u> 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 | <pre>first grade kindergarten in the public elementary schools at</pre> |
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| 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 | <pre>circumstances:</pre> |
| 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 |





57 <u>successful completion of an assessment to determine</u>58 developmental readiness for enrollment.

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(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

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| 85 | of essential development and physical skills which shall be |
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| 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. If a child does not meet first grade readiness, |
| 90 | as determined on the assessment approved by the State Board of |
| 91 | Education, the child shall enroll in kindergarten. |
| 92 | (e) An underage child, regardless of whether he or she |
| 93 | has successfully completed kindergarten or otherwise |
| 94 | demonstrates first grade readiness, may be admitted to the |
| 95 | public school first grade if the underage child transfers from |
| 96 | the first grade of a school in another state. |
| 97 | (f) Nothing in this section shall affect the |
| 98 | eligibility of students for special education services as |
| 99 | provided by federal and state law. |
| 100 | (c)(g) No public school system shall lose any teacher |
| 101 | unit as a result of this section. The State Board of Education |
| 102 | is authorized to adopt policies for local boards of education |
| 103 | for the implementation of this section." |
| 104 | Section 2. The purpose or effect of this bill would be |
| 105 | to require a new or increased expenditure of local funds |
| 106 | within the meaning of Section 111.05 of the Constitution of |
| 107 | Alabama of 2022. If this bill is not enacted by a 2/3 vote, it |
| 108 | will not become effective with regard to a local board of |
| 109 | education unless approved by the local board of education or |
| 110 | until, and only as long as, the Legislature appropriates funds |
| 111 | or provides for a local source of revenue. |
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Section 3. This act shall become effective on the first

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- day of the third month following its passage and approval by
- 114 the Governor, or its otherwise becoming law.





| 115 116 117 | House of Representatives |
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| 118 119 120 121 | Read for the first time and referred |
| 122 123 124 125 | Read for the second time and placed05-Apr-23 on the calendar: 0 amendments |
| 126 127 128 129 130 131 | Read for the third time and passed |
| 133 134 135 | John Treadwell Clerk |