

1 HB423
2 198496-2
3 By Representatives Warren, Pettus, Boyd, Gray, Lawrence,
4 Forte, Wingo, Fincher, Grimsley, Dismukes, Clouse, Lee, Moore
5 (M), Ingram, Morris, Easterbrook, Hurst, Johnson, Faust,
6 Nordgren, Drummond, Daniels, England, Rafferty, Shaver and
7 Collins
8 RFD: Education Policy
9 First Read: 11-APR-19

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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 that 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 require that a child
15 successfully complete public or nonpublic
16 kindergarten before being admitted to the first
17 grade in the public elementary schools of the
18 state.

19 This bill would also change the date for
20 determining the age of a child entitled to
21 admission to public school kindergarten from
22 September 1 to December 31.

23 Amendment 621 of the Constitution of Alabama
24 of 1901, now appearing as Section 111.05 of the
25 Official Recompilation of the Constitution of
26 Alabama of 1901, as amended, prohibits a general
27 law whose purpose or effect would be to require a

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

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

16
17 A BILL
18 TO BE ENTITLED
19 AN ACT
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21 To amend Section 16-28-4, Code of Alabama 1975,
22 relating to the minimum age for attendance at public schools;
23 to require a child to successfully complete a kindergarten
24 program before being admitted to first grade; to change the
25 date for determining the age of a child entitled to admission
26 to public school kindergarten from September 1 to December 31;
27 and in connection therewith would have as its purpose or

1 effect the requirement of a new or increased expenditure of
2 local funds within the meaning of Amendment 621 of the
3 Constitution of Alabama of 1901, now appearing as Section
4 111.05 of the Official ReCompilation of the Constitution of
5 Alabama of 1901, as amended.

6 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

7 Section 1. Section 16-28-4 of the Code of Alabama
8 1975, is amended to read as follows:

9 "§16-28-4.

10 "(a) (1) A child who is six years of age on or before
11 December 31 ~~or the date on which school begins in the~~
12 ~~enrolling district,~~ and who has successfully completed public
13 or nonpublic kindergarten, shall be entitled to admission to
14 the first grade in the public elementary schools at the
15 opening of such schools for that school year, or as soon as
16 practicable thereafter. Successful completion of public or
17 nonpublic kindergarten shall also be required before admission
18 to the first grade under subdivisions (2) and (3) or any other
19 provision of law.

20 "(2) A child who is under six years of age on
21 December 31 ~~or the date on which school begins in the~~
22 ~~enrolling district~~ shall not be entitled to admission to the
23 first grade in the public elementary schools during that
24 school year; except, that an underage child who transfers from
25 the first grade of a school in another state may be admitted
26 to school upon approval of the local board of education ~~in~~
27 ~~authority,~~ and an underage child who has moved into this state

1 having completed or graduated from a mandated kindergarten
2 program in another state shall be entitled to admission to the
3 public elementary schools regardless of age.

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

9 "(b) (1) A child who is five years of age on or
10 before ~~September 1 or the date on which school begins in the~~
11 ~~enrolling district~~ December 31, shall be entitled to admission
12 to the local public school kindergartens at the opening of
13 such schools for that school year or as soon as practicable
14 thereafter; ~~a.~~

15 "(2) A child who is under five years of age on
16 ~~September 1 or the date on which school begins in the~~
17 ~~enrolling district~~ December 31, shall not be entitled to
18 admission to such schools during that school year; except
19 that, an underage child who transfers from the public school
20 kindergarten in another state may be admitted to local public
21 kindergarten on the prior approval of the local board of
22 education on a space available basis. ~~The aforementioned~~
23 ~~underage~~ Underage children transferring from the public school
24 kindergartens of another state, upon successful completion of
25 the kindergarten in the local public or nonpublic schools,
26 ~~will~~ shall then be allowed admission to the first grade of the
27 local public schools.

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

5 Section 2. This act shall become effective
6 immediately following its passage and approval by the
7 Governor, or its otherwise becoming law.