HB208

210044-6

By Representative Warren

RFD: Education Policy

First Read: 02-FEB-21

PFD: 01/29/2021
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 who becomes six years of age between September 1 and December 31 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; 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 Amendment 621 of the Constitution of Alabama of 1901, now appearing as Section 111.05 of the Official Recompilation of the Constitution of Alabama of 1901, as amended.

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) A child who is five becomes six years of age on
or before between September 1 and December 31, or 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, as long as the child has successfully completed kindergarten or has otherwise demonstrated first grade readiness on a district approved assessment. kindergarten or otherwise demonstrates first grade readiness with benchmark scores, as determined by the State Department of Education, on department approved early reading and math assessments, and demonstrates first grade entry readiness, as determined by the department, on a department approved assessment of essential developmental writing and physical skills. The department shall publish information about essential first grade readiness skills on the Alabama Family Central, or successor, website.

"(c) 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.

"(d) An underage child may be admitted to public first grade if the underage child transfers from the first grade of a school in another state.

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

"(e) (d) (f) 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. This act shall become effective on the first day of the third month, following its passage and approval by the Governor, or its otherwise becoming law. This act shall become effective immediately following its passage and approval by the Governor, or its otherwise becoming law.
House of Representatives

Read for the first time and referred to the House of Representatives committee on Education Policy .......................................................... 02-FEB-21

Read for the second time and placed on the calendar with 1 substitute and.......................................................... 10-FEB-21

Read for the third time and passed as amended.......................... 23-FEB-21

Yeas 83, Nays 17, Abstains 0

Jeff Woodard
Clerk