

1 HB423  
2 201119-3  
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

1 ENGROSSED

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4 A BILL  
5 TO BE ENTITLED  
6 AN ACT  
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8 To amend Section 16-28-4, Code of Alabama 1975,  
9 relating to the minimum age for attendance at public schools;  
10 to require a child who is five years of age on or before  
11 September 1 to enroll in kindergarten; to provide for  
12 circumstances under which a child who is under five years of  
13 age on September 1 may be admitted to public kindergarten; and  
14 in connection therewith would have as its purpose or effect  
15 the requirement of a new or increased expenditure of local  
16 funds within the meaning of Amendment 621 of the Constitution  
17 of Alabama of 1901, now appearing as Section 111.05 of the  
18 Official Recompilation of the Constitution of Alabama of 1901,  
19 as amended.

20 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

21 Section 1. Section 16-28-4 of the Code of Alabama  
22 1975, is amended to read as follows:

23 "§16-28-4.

24 ~~"(a) A child who is six years of age on or before~~  
25 ~~December 31 or the date on which school begins in the~~  
26 ~~enrolling district shall be entitled to admission to the first~~  
27 ~~grade in the public elementary schools at the opening of such~~

1 ~~schools for that school year or as soon as practicable~~  
2 ~~thereafter. A child who is under six years of age on December~~  
3 ~~31 or the date on which school begins in the enrolling~~  
4 ~~district shall not be entitled to admission to the first grade~~  
5 ~~in the public elementary schools during that school year;~~  
6 ~~except, that an underage child who transfers from the first~~  
7 ~~grade of a school in another state may be admitted to school~~  
8 ~~upon approval of the board of education in authority, and an~~  
9 ~~underage child who has moved into this state having completed~~  
10 ~~or graduated from a mandated kindergarten program in another~~  
11 ~~state shall be entitled to admission to the public elementary~~  
12 ~~schools regardless of age. A child who becomes six years of~~  
13 ~~age on or before February 1 may, on approval of the local~~  
14 ~~board of education, be admitted at the beginning of the second~~  
15 ~~semester of that school year to schools in school systems~~  
16 ~~having semiannual promotions of pupils.~~

17 ~~"(b)~~ (a) Except as otherwise provided by law:

18 "(1) A child who is five years of age on or before  
19 September 1 or the date on which school begins in the  
20 enrolling district shall ~~be entitled to admission to the local~~  
21 ~~public school kindergartens~~ enroll in kindergarten at the  
22 opening of ~~such~~ schools for that school year or as soon as  
23 practicable thereafter; ~~a.~~

24 "(2) A child who is under five years of age on  
25 September 1 or the date on which school begins in the  
26 enrolling district shall not be entitled to admission to such  
27 schools during that school year; ~~except that, an underage~~

1 ~~child who transfers from the public school kindergarten in~~  
2 ~~another state may be admitted to local public kindergarten on~~  
3 ~~the prior approval of the local board of education on a space~~  
4 ~~available basis. The aforementioned underage children~~  
5 ~~transferring from the public school kindergartens of another~~  
6 ~~state, upon successful completion of the kindergarten in the~~  
7 ~~local public schools, will then be allowed admission to the~~  
8 ~~first grade of the local public schools as provided in~~  
9 ~~subsection (b).~~

10 "(b) An underage child may be admitted to public  
11 kindergarten, on approval of the local board of education on a  
12 space available basis, in either of the following  
13 circumstances:

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

16 "(2) The child will turn five years of age between  
17 September 1 and December 31, and the child satisfies certain  
18 criteria that the local board of education may establish for  
19 underage enrollment, that if adopted, shall include the  
20 successful completion of an assessment to determine  
21 developmental readiness for enrollment.

22 "(c) No public school system shall lose any teacher  
23 unit as a result of this section. The State Board of Education  
24 is authorized to adopt policies for local boards of education  
25 for the implementation of this section."

1                   Section 2. This act shall become effective June 1,  
2                   2020, following its passage and approval by the Governor, or  
3                   its otherwise becoming law.

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House of Representatives

Read for the first time and re-  
ferred to the House of Representa-  
tives committee on Education Policy  
..... 11-APR-19

Read for the second time and placed  
on the calendar with 1 substitute  
and..... 16-MAY-19

Read for the third time and passed  
as amended..... 23-MAY-19

Yeas 91, Nays 11, Abstains 0

Jeff Woodard  
Clerk