

HB113 ENROLLED



1 HB113
2 EILG922-2
3 By Representatives Warren, Forte, Lawrence, McClammy, Gray,
4 Jackson, Drummond, Collins, Estes
5 RFD: Education Policy
6 First Read: 06-Feb-24



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1 Enrolled, An Act,

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3 To amend Section 16-28-4, Code of Alabama 1975,
4 relating to the minimum age for attendance at public schools;
5 to require a child to complete kindergarten or demonstrate
6 first grade readiness before entering the first grade; to
7 provide for circumstances under which a child who is under
8 five years of age on September 1 may be admitted to public
9 kindergarten; to provide for circumstances under which a child
10 who is under six years of age on December 31 may be admitted
11 to public school first grade; and in connection therewith
12 would have as its purpose or effect the requirement of a new
13 or increased expenditure of local funds within the meaning of
14 Section 111.05 of the Constitution of Alabama of 2022.

15 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

18 "§16-28-4

19 (a) A child who is ~~six~~ five years of age on or before
20 ~~December 31~~ September 1 or the date on which school begins in
21 the enrolling district shall be entitled to admission to ~~the~~
22 ~~first grade~~ kindergarten in the public elementary schools at
23 the opening of ~~such~~ schools for that school year or as soon as
24 practicable thereafter. ~~A child who is under six years of age~~
25 ~~on December 31 or the date on which school begins in the~~
26 ~~enrolling district shall not be entitled to admission to the~~
27 ~~first grade in the public elementary schools during that~~
28 ~~school year; except, that an underage child who transfers from~~



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29 ~~the first grade of a school in another state may be admitted~~
30 ~~to school upon approval of the board of education in~~
31 ~~authority, and an underage child who has moved into this state~~
32 ~~having completed or graduated from a mandated kindergarten~~
33 ~~program in another state shall be entitled to admission to the~~
34 ~~public elementary schools regardless of age. A child who~~
35 ~~becomes six years of age on or before February 1 may, on~~
36 ~~approval of the local board of education, be admitted at the~~
37 ~~beginning of the second semester of that school year to~~
38 ~~schools in school systems having semiannual promotions of~~
39 ~~pupils.~~

40 (b) An underage child may be admitted to public
41 kindergarten on approval of the local board of education, on a
42 space available basis, in either of the following
43 circumstances:

44 (1) The underage child transfers from a public
45 kindergarten in another state.

46 (2) The child will become five years of age between
47 September 1 and December 31, and the child satisfies certain
48 criteria that the local board of education may establish for
49 underage enrollment which, if adopted, shall include the
50 successful completion of an assessment to determine
51 developmental readiness for enrollment as provided in
52 subsection (g).

53 ~~(b)(c)~~ A child who is five years of age on or before
54 September 1 or successfully completes kindergarten by the date
55 on which school begins in the enrolling district shall be
56 entitled to admission to the first grade in the local public



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57 school-kindergartens at the opening of such schools for that
58 school year or as soon as practicable thereafter; a child who
59 is under five years of age on September 1 or the date on which
60 school begins in the enrolling district shall not be entitled
61 to admission to such schools during that school year; except
62 that, an underage child who transfers from the public school
63 kindergarten in another state may be admitted to local public
64 kindergarten on the prior approval of the local board of
65 education on a space available basis. The aforementioned
66 underage children transferring from the public school
67 kindergartens of another state, upon successful completion of
68 the kindergarten in the local public schools, will then be
69 allowed admission to the first grade of the local public
70 schools.

71 (d) A child who is six years of age on or before
72 December 31, or the date on which school begins in the
73 enrolling district, and who has not successfully completed
74 kindergarten, shall be entitled to admission to the first
75 grade in the local public school at the opening of schools for
76 that school year or as soon as practicable thereafter, as long
77 as the child demonstrates first grade entry readiness, as
78 determined by the State Board of Education, on an assessment
79 of essential development and physical skills as provided in
80 subsection (g), which shall be created by the State Department
81 of Education and approved by the State Board of Education. The
82 department shall publish information about essential first
83 grade readiness skills on its website. If a child does not
84 meet first grade readiness, as determined on the assessment



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85 approved by the State Board of Education and as provided in
86 subsection (g), the child shall be enrolled in kindergarten.

87 (e) An underage child, regardless of whether he or she
88 has successfully completed kindergarten or otherwise
89 demonstrates first grade readiness, may be admitted to the
90 public school first grade if the underage child transfers from
91 the first grade of a school in another state.

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

95 (g) (1) For the 2025-2026 school year, a student entering
96 first grade who has not completed kindergarten shall complete
97 the assessment at the beginning of the school year to
98 determine developmental readiness for enrollment. For this
99 initial year assessments, no student shall be prevented from
100 enrollment in the first grade based on his or her performance
101 on the assessment. During the second semester of the
102 first-grade year, students shall take an early years
103 assessment to identify any areas of deficiencies. Programs,
104 resources, and materials shall be made available to those
105 students who perform below standards on the assessment.

106 (2) For the 2026-2027 school year, a student entering
107 first grade who has not completed kindergarten shall complete
108 the assessment at the beginning of the school year to
109 determine developmental readiness for enrollment. During the
110 second semester of the first-grade year, students shall take
111 an early years assessment to identify any areas of
112 deficiencies. Programs, resources, and materials shall be made



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113 available to those students who perform below standards of
114 assessment.

115 ~~(e)~~ (h) No public school system shall lose any teacher
116 unit as a result of this section. The State Board of Education
117 is authorized to adopt policies for local boards of education
118 for the implementation of this section."

119 Section 2. The State Department of Education shall
120 develop an informational campaign to promote kindergarten and
121 encourage parents of school-age students to enroll their
122 children in a kindergarten program. The campaign shall be
123 targeted, and priority shall be given to areas with the
124 largest number of students currently not enrolled in
125 kindergarten programs.

126 Section 3. The purpose or effect of this bill would be
127 to require a new or increased expenditure of local funds
128 within the meaning of Section 111.05 of the Constitution of
129 Alabama of 2022. If this bill is not enacted by a 2/3 vote, it
130 will not become effective with regard to a local board of
131 education unless approved by the local board of education or
132 until, and only as long as, the Legislature appropriates funds
133 or provides for a local source of revenue.

134 Section 4. This act shall become effective July 1,
135 2024.



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Speaker of the House of Representatives

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in and was passed by the House 22-Feb-24.

John Treadwell
Clerk

Senate	<hr/> 08-May-24 <hr/>	Amended and Passed
House	<hr/> 09-May-24 <hr/>	Concurred in Senate Amendment