



ACT #2024 - 347

1 HB113

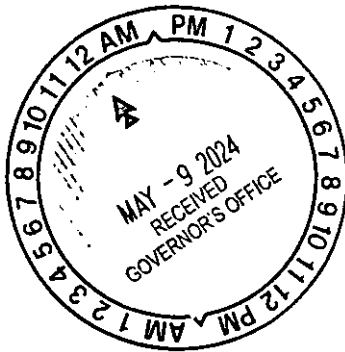
2 EILG922-2

3 By Representatives Warren, Forte, Lawrence, McClammy, Gray,

4 Jackson, Drummond, Collins, Estes

5 RFD: Education Policy

6 First Read: 06-Feb-24



HB113 Enrolled



Enrolled, 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 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; to provide for circumstances under which a child who is under six years of age on December 31 may be admitted to public school first grade; 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 Section 111.05 of the Constitution of Alabama of 2022.

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) 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 as provided in subsection (g).

~~(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 of essential development and physical skills as provided in subsection (g), which shall be created by the State Department of Education and approved by the State Board of Education. The department shall publish information about essential first grade readiness skills on its website. If a child does not meet first grade readiness, as determined on the assessment



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



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.



[Signature]

Speaker of the House of Representatives

[Signature]

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

08-May-24

Amended and Passed

House

09-May-24

Concurred in Senate
Amendment

APPROVED 5/15/2024

TIME 11:07 am

Kay Ivey
GOVERNOR

Alabama Secretary Of State

Act Num....: 2024-347
Bill Num...: H-113

ORIGINAL

House Bill No. 113

Project No. FILE 6922-1

Profile Date _____

SPONSOR

DIST. NO.

1. Lauren F.

82

CO-SPONSORS

HOUSE ACTION

DATE:

2-16-2024

RD 1 RFD

CD

SENATE ACTION

CD Policy

DATE:

2-27

2024

RD 1 RFD

CD

REPORT OF STANDING COMMITTEE

This bill having been referred by the House to its standing committee on Education Policy was

acted upon by such committee in session, and returned therefrom to the House with the recommendation that it be Passed w/amend(s) w/sub this 24th day of February, 20 24.

Lauren F., Chair

DATE:

2-21-2024

RF

RD 2 CAL

DATE:

20

RE-REFERRED ☐

RE-COMMITTED ☐

Committee _____

DATE:

20

RE-REFERRED ☐

RE-COMMITTED ☐

Committee _____

DATE:

20

RE-REFERRED ☐

RE-COMMITTED ☐

Committee _____

I hereby certify that the Resolution as required in Section C of Act No. 81-889 was adopted and is attached to the Bill,

HB 113

YEAS 412 NAYS 4

JOHN TREADWELL,

Clerk

FURTHER HOUSE ACTION (OVER)

This Bill was referred to the Standing Committee of the Senate on CD Policy

and was acted upon by such Committee in session and is by order of the Committee returned therefrom with a favorable report w/amend(s) _____ w/sub _____ w/eng sub _____ by a vote of yeas 5 nays 1 abstain this 20th day of MARCH, 20 24.

Lauren F., Chair

DATE:

3-21

2024

RF

RD 2 ☒ CAL ☐

DATE:

20

RE-REFERRED ☐

RE-COMMITTED ☐

Committee _____

DATE:

5-8-24

RD 3 at length

PASSED ☐

PASSED AS AMENDED ☒

YEAS 35 NAYS 0

And was ordered returned forthwith to the House

PATRICK HARRIS,

Secretary

DATE:

20

INDEFINITELY POSTPONED YEAS NAYS

DATE:

20

RECONSIDERED

YEAS NAYS

FURTHER SENATE ACTION (OVER)