

1 HB388  
2 137762-1  
3 By Representative McClammy  
4 RFD: Education Policy  
5 First Read: 23-FEB-12

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8 SYNOPSIS: Under existing law, cases of nonenrollment  
9 and nonattendance of students in the public K-12  
10 schools are investigated by attendance officers at  
11 the request of the local superintendent of  
12 education.

13 This bill would delete the requirement of  
14 providing notice in any case where nonenrollment or  
15 nonattendance has been intentional and without  
16 valid reason.

17 This bill would also require the  
18 distribution and verification of receipt of the  
19 school attendance policy and applicable sections of  
20 the Alabama Compulsory School Attendance Law by  
21 each parent, guardian, or other person having  
22 control of a child enrolled in each school system.

23  
24 A BILL  
25 TO BE ENTITLED  
26 AN ACT  
27

1           To amend Section 16-28-16, Code of Alabama 1975, to  
2 require the distribution and verification of receipt of the  
3 school attendance policy and applicable sections of the  
4 Alabama Compulsory School Attendance Law by each parent,  
5 guardian, or other person having control of a child enrolled  
6 in each school system.

7 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

8           Section 1. Section 16-28-16 of the Code of Alabama  
9 1975, is amended to read as follows:

10           "§16-28-16.

11           "(a) It shall be the duty of the county  
12 superintendent of education or the city superintendent of  
13 education, as the case may be, to require the attendance  
14 officer to investigate all cases of nonenrollment and of  
15 nonattendance. ~~In all cases investigated where no valid reason  
16 for nonenrollment or nonattendance is found, the attendance  
17 officer shall give written notice to the parent, guardian, or  
18 other person having control of the child. In the event of the  
19 absence of the parent, guardian, or other person having  
20 control of the child from his or her usual place of residence,  
21 the attendance officer shall leave a copy of the notice with  
22 some person over 12 years of age residing at the usual place  
23 of residence, with instructions to hand the notice to the  
24 parent, guardian, or other person having control of the child,  
25 which notice shall require the attendance of the child at the  
26 school within three days from the date of the notice. In the  
27 event the investigation discloses that the nonenrollment or~~

1 nonattendance was without valid excuse or good reason and  
2 intentional, the attendance officer shall be required to bring  
3 criminal prosecution against the parent, guardian, or other  
4 person having control of the child.

5 "(b) Each local superintendent of education, at the  
6 commencement of each school year, shall provide a copy of the  
7 written school attendance policy and applicable sections of  
8 the Alabama Compulsory School Attendance Law to each parent,  
9 guardian, or other person having control of a child enrolled  
10 in the school system. Each parent, guardian, or other person  
11 having control of a child enrolled in the school system shall  
12 sign a statement verifying that he or she has read and been  
13 given notice of the attendance policies of the state and the  
14 respective school system.

15 "(c) ~~(b)~~ Each child who is enrolled in a public  
16 school shall be subject to the attendance and truancy  
17 provisions of this article except that any parent or parents,  
18 guardian or guardians who voluntarily enrolls their child in  
19 public school, who feel that it is in the best interest of  
20 that child shall have the right to withdraw the child at any  
21 time prior to the current minimum compulsory attendance age."

22 Section 2. This act shall become effective  
23 immediately following its passage and approval by the  
24 Governor, or its otherwise becoming law.