

1 HB211
2 135942-4
3 By Representative Coleman-Evans
4 RFD: Education Policy
5 First Read: 07-FEB-13

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8 SYNOPSIS: Under existing law, children between the
9 ages of seven and 17 years, except in certain
10 specified instances, are required to attend a
11 public school, private school, church school, or be
12 instructed by a competent private tutor.

13 This bill would require children between the
14 ages of seven and 18 years, or upon graduation from
15 high school, whichever is earlier, except in
16 certain specified instances, to attend or graduate
17 from a public school, private school, church
18 school, or be instructed by a competent private
19 tutor.

20 Amendment 621 of the Constitution of Alabama
21 of 1901, now appearing as Section 111.05 of the
22 Official Recompilation of the Constitution of
23 Alabama of 1901, as amended, prohibits a general
24 law whose purpose or effect would be to require a
25 new or increased expenditure of local funds from
26 becoming effective with regard to a local
27 governmental entity without enactment by a 2/3 vote

1 unless: it comes within one of a number of
2 specified exceptions; it is approved by the
3 affected entity; or the Legislature appropriates
4 funds, or provides a local source of revenue, to
5 the entity for the purpose.

6 The purpose or effect of this bill would be
7 to require a new or increased expenditure of local
8 funds within the meaning of the amendment. However,
9 the bill does not require approval of a local
10 governmental entity or enactment by a 2/3 vote to
11 become effective because it comes within one of the
12 specified exceptions contained in the amendment.

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14 A BILL
15 TO BE ENTITLED
16 AN ACT

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18 To amend Section 16-28-3, Code of Alabama 1975, as
19 amended by Act 2012-295, 2012 Regular Session (Acts 2012, p.
20 ___), relating to mandatory school attendance age; to increase
21 the maximum age of children required to attend public school
22 from 17 to 18 years or graduation from high school, whichever
23 is earlier, or the equivalent; and in connection therewith
24 would have as its purpose or effect the requirement of a new
25 or increased expenditure of local funds within the meaning of
26 Amendment 621 of the Constitution of Alabama of 1901, now

1 appearing as Section 111.05 of the Official Recompilation of
2 the Constitution of Alabama of 1901, as amended.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

4 Section 1. Section 16-28-3 of the Code of Alabama
5 1975, as amended by Act 2012-295, 2012 Regular Session (Acts
6 2012, p. ___), is amended to read as follows:

7 "§16-28-3.

8 "Every Commencing with the 2013-2014 school year,
9 every child between the ages of six and ~~17~~ 18 years shall be
10 required to attend a public school, private school, church
11 school, or be instructed by a competent private tutor for the
12 entire length of the school term in every scholastic year, or
13 until graduation from high school, whichever is earlier,
14 except that, prior to attaining his or her 16th birthday every
15 child attending a church school as defined in Section 16-28-1
16 is exempt from the requirements of this section, provided such
17 child complies with enrollment and reporting procedure
18 specified in Section 16-28-7. Admission to public school shall
19 be on an individual basis on the application of the parents,
20 legal custodian, or guardian of the child to the local board
21 of education at the beginning of each school year, under such
22 rules and regulations as the board may prescribe. The parent,
23 legal custodian, or guardian of a child who is six years of
24 age, may opt out of enrolling their child in school at the age
25 of six years by notifying the local school board of education,
26 in writing, that the child will not be enrolled in school
27 until he or she is seven years of age."

1 Section 2. Although this bill would have as its
2 purpose or effect the requirement of a new or increased
3 expenditure of local funds, the bill is excluded from further
4 requirements and application under Amendment 621 because the
5 bill requires expenditures only by a school board.

6 Section 3. This act shall become effective on the
7 first day of the third month following its passage and
8 approval by the Governor, or its otherwise becoming law.