

1 HB6
2 125422-1
3 By Representative Merrill
4 RFD: Education Policy
5 First Read: 07-FEB-12
6 PFD: 09/15/2011

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

13 This bill would decrease the mandatory
14 minimum age of children required to attend public
15 school from seven to six years of age.

16 Amendment 621 of the Constitution of Alabama
17 of 1901, now appearing as Section 111.05 of the
18 Official Recompilation of the Constitution of
19 Alabama of 1901, as amended, prohibits a general
20 law whose purpose or effect would be to require a
21 new or increased expenditure of local funds from
22 becoming effective with regard to a local
23 governmental entity without enactment by a 2/3 vote
24 unless: it comes within one of a number of
25 specified exceptions; it is approved by the
26 affected entity; or the Legislature appropriates

1 funds, or provides a local source of revenue, to
2 the entity for the purpose.

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

10
11 A BILL
12 TO BE ENTITLED
13 AN ACT
14

15 To amend Section 16-28-3, Code of Alabama 1975,
16 relating to mandatory school attendance, to decrease the
17 minimum age of children required to attend public school from
18 seven to six years of age; and in connection therewith would
19 have as its purpose or effect the requirement of a new or
20 increased expenditure of local funds within the meaning of
21 Amendment 621 of the Constitution of Alabama of 1901, now
22 appearing as Section 111.05 of the Official Recompilation of
23 the Constitution of Alabama of 1901, as amended.

24 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

25 Section 1. Section 16-28-3 of the Code of Alabama
26 1975, is amended to read as follows:

27 "§16-28-3.

1 "Every child between the ages of ~~seven~~ six and 17
2 years shall be required to attend a public school, private
3 school, church school, or be instructed by a competent private
4 tutor for the entire length of the school term in every
5 scholastic year except that, prior to attaining his or her
6 16th birthday every child attending a church school as defined
7 in Section 16-28-1 is exempt from the requirements of this
8 section, provided such child complies with enrollment and
9 reporting procedure specified in Section 16-28-7. Admission to
10 public school shall be on an individual basis on the
11 application of the parents, legal custodian, or guardian of
12 the child to the local board of education at the beginning of
13 each school year, under such rules and regulations as the
14 board may prescribe."

15 Section 2. Although this bill would have as its
16 purpose or effect the requirement of a new or increased
17 expenditure of local funds, the bill is excluded from further
18 requirements and application under Amendment 621, now
19 appearing as Section 111.05 of the Official Recompilation of
20 the Constitution of Alabama of 1901, as amended, because the
21 bill requires expenditures only by a school board.

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