

1 HB219  
2 148080-1  
3 By Representative McClammy  
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 six and 18 years, except in certain  
15 specified instances, to attend a public school,  
16 private school, church school, or be instructed by  
17 a competent private tutor.

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

1 affected entity; or the Legislature appropriates  
2 funds, or provides a local source of revenue, to  
3 the entity for the purpose.

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

11  
12 A BILL  
13 TO BE ENTITLED  
14 AN ACT

15  
16 To amend Section 16-28-3, Code of Alabama 1975, as  
17 amended by Act 2012-295, 2012 Regular Session (Acts 2012),  
18 relating to mandatory school attendance age; to increase the  
19 maximum age of children required to attend school from 17 to  
20 18 years; and in connection therewith to have as its purpose  
21 or effect the requirement of a new or increased expenditure of  
22 local funds within the meaning of Amendment 621 of the  
23 Constitution of Alabama of 1901, now appearing as Section  
24 111.05 of the Official Recompilation of the Constitution of  
25 Alabama of 1901, as amended.

26 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

4           "§16-28-3.

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

23           Section 2. Although this bill would have as its  
24 purpose or effect the requirement of a new or increased  
25 expenditure of local funds, the bill is excluded from further  
26 requirements and application under Amendment 621, now  
27 appearing as Section 111.05 of the Official Recompilation of

1 the Constitution of Alabama of 1901, as amended, because the  
2 bill requires expenditures only by a school board.

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