

1 HB141  
2 135942-2  
3 By Representative Coleman  
4 RFD: Education Policy  
5 First Read: 07-FEB-12  
6 PFD: 02/02/2012

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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.

13  
14 A BILL  
15 TO BE ENTITLED  
16 AN ACT

17  
18 To amend Section 16-28-3, Code of Alabama 1975,  
19 relating to mandatory school attendance age; to increase the  
20 maximum age of children required to attend public school from  
21 17 to 18 years or graduation from high school, whichever is  
22 earlier, or the equivalent; and in connection therewith would  
23 have as its purpose or effect the requirement of a new or  
24 increased expenditure of local funds within the meaning of  
25 Amendment 621 of the Constitution of Alabama of 1901, now  
26 appearing as Section 111.05 of the Official Recompilation of  
27 the Constitution of Alabama of 1901, as amended.

1 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

4 "§16-28-3.

5 "Every Commencing with the 2012-2013 school year,  
6 every child between the ages of seven and ~~17~~ 18 years shall be  
7 required to attend a public school, private school, church  
8 school, or be instructed by a competent private tutor for the  
9 entire length of the school term in every scholastic year, or  
10 until graduation from high school, whichever is earlier,  
11 except that, prior to attaining his or her 16th birthday every  
12 child attending a church school as defined in Section 16-28-1  
13 is exempt from the requirements of this section, provided such  
14 child complies with enrollment and reporting procedure  
15 specified in Section 16-28-7. Admission to public school shall  
16 be on an individual basis on the application of the parents,  
17 legal custodian, or guardian of the child to the local board  
18 of education at the beginning of each school year, under such  
19 rules and regulations as the board may prescribe."

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

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

