

1 HB203
2 126694-1
3 By Representatives Nordgren, Wood, Rich, Hammon, Patterson,
4 Love, Shiver, Moore (B), Buttram, Johnson (W), Long, Baughn
5 and Roberts
6 RFD: Public Safety and Homeland Security
7 First Read: 09-MAR-11

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8 SYNOPSIS: This bill would require the parent or
9 guardian of a child enrolling in elementary or
10 secondary school, or tutoring a child at home, to
11 provide documentation of citizenship to the school
12 or local superintendent of education.

13
14 A BILL
15 TO BE ENTITLED
16 AN ACT

17
18 Relating to public K-12 education; to require the
19 submission of proof of citizenship of any child enrolling in
20 elementary or secondary school, or being tutored at home or
21 through a church school; and to require the enrolling school
22 or local superintendent of education to contact local law
23 enforcement upon a violation.

24 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

25 Section 1. (a) Commencing with the 2011-2012 school
26 year, upon the initial enrollment of a student in a public or
27 private elementary or secondary school, the school shall

1 notify the person enrolling the student in writing that within
2 30 days the person shall provide one of the following:

3 (1) A birth certificate or delayed birth certificate
4 issued in any state, territory, or possession of the United
5 States.

6 (2) A United States certificate of birth abroad.

7 (3) A United States passport.

8 (4) A foreign passport with a United States visa.

9 (5) An I-94 form with a photograph.

10 (6) A United States Citizenship and Immigration
11 Services employment authorization document or refugee travel
12 document.

13 (7) A United States certificate of naturalization.

14 (8) A United States certificate of citizenship.

15 (9) A tribal certificate of Indian blood.

16 (10) A tribal or Bureau of Indian Affairs affidavit
17 of birth.

18 (11) An Alabama driver's license issued after 1996
19 or an Alabama nondriver identification card.

20 (12) An affidavit explaining the inability to
21 provide a copy of the birth certificate.

22 (13) A letter from the authorized representative of
23 an agency having custody of the student certifying that the
24 student has been placed in the custody of a state agency as
25 prescribed by law.

26 (b) If a child is instructed at home by a private
27 tutor or attends a church school as contemplated by Section

1 16-28-3, Code of Alabama 1975, the person who has custody of
2 the child, within 30 days after instruction begins, shall
3 provide to the local superintendent of education of the city
4 or county in which the child resides one of the following:

5 (1) A birth certificate or delayed birth certificate
6 issued in any state, territory, or possession of the United
7 States.

8 (2) A United States certificate of birth abroad.

9 (3) A United States passport.

10 (4) A foreign passport with a United States visa.

11 (5) An I-94 form with a photograph.

12 (6) A United States Citizenship and Immigration
13 Services employment authorization document or refugee travel
14 document.

15 (7) A United States certificate of naturalization.

16 (8) A United States certificate of citizenship.

17 (9) A tribal certificate of Indian blood.

18 (10) A tribal or Bureau of Indian Affairs affidavit
19 of birth.

20 (11) An Alabama driver's license issued after 1996
21 or an Alabama nondriver identification card.

22 (12) An affidavit explaining the inability to
23 provide a copy of the birth certificate.

24 (13) A letter from the authorized representative of
25 an agency having custody of the student certifying that the
26 student has been placed in the custody of a state agency as
27 prescribed by law.

1 (c) On presentation of a document pursuant to this
2 section, a photocopy of the document shall be placed in the
3 file of the student and the document that is presented shall
4 be returned.

5 (d) On the failure of a person enrolling a student
6 or instructing a child at home or through a church school to
7 comply with this section, the school or local superintendent
8 of education shall notify the person in writing that, unless
9 he or she complies within 10 days, the case shall be referred
10 to the local law enforcement agency for investigation. If
11 compliance is not obtained within the 10-day period, the
12 school or local superintendent of education shall refer the
13 case to the local law enforcement agency and notify the State
14 Department of Education.

15 (e) The school or local superintendent of education
16 shall immediately report to the local law enforcement agency
17 and the State Department of Education any affidavit received
18 pursuant to this section that appears inaccurate or suspicious
19 in form or content.

20 (f) Within five school days after enrolling a
21 transfer student from a private school or another school
22 district, a school shall request directly from the previous
23 school a certified copy of the record of the student. The
24 requesting school shall exercise due diligence in obtaining
25 the copy of the record requested. Notwithstanding any
26 financial debt owed by the student, any school requested to
27 forward a copy of the record of a transferring student to a

1 new school pursuant to this subsection shall comply and
2 forward the record within 10 school days after receipt of the
3 request.

4 (g) Any disclosure of educational records by a
5 school district shall comply with the federal Family
6 Educational Rights and Privacy Act of 1974.

7 Section 2. This act shall become effective
8 immediately following its passage and approval by the
9 Governor, or its otherwise becoming law.