

1 HB371
2 127847-1
3 By Representative McClammy
4 RFD: Education Policy
5 First Read: 29-MAR-11

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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 19 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.

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12 A BILL
13 TO BE ENTITLED
14 AN ACT

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

25 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

1 "§16-28-3.

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

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

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