

1 HB425  
2 156889-2  
3 By Representative Coleman-Evans  
4 RFD: Education Policy  
5 First Read: 07-APR-15

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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.

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21 A BILL  
22 TO BE ENTITLED  
23 AN ACT  
24

25 To amend Section 16-28-3, Code of Alabama 1975, as  
26 amended by Act 2014-403, 2014 Regular Session, relating to  
27 mandatory school attendance age; to increase the maximum age

1 of children required to attend public school from 17 to 18  
2 years or graduation from high school, whichever is earlier, or  
3 the equivalent.

4 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

5 Section 1. Section 16-28-3 of the Code of Alabama  
6 1975, as amended by Act 2014-403, 2014 Regular Session, is  
7 amended to read as follows:

8 "§16-28-3.

9 "(a) Except as otherwise provided in subsection (b),  
10 every commencing with the 2015-2016 school year, every child  
11 between the ages of six and ~~17~~ 18 years shall be required to  
12 attend a public school, private school, church school, or be  
13 instructed by a competent private tutor for the entire length  
14 of the school term in every scholastic year, or until  
15 graduation from high school, whichever is earlier, except  
16 that, prior to attaining his or her 16th birthday every child  
17 attending a church school as defined in Section 16-28-1 is  
18 exempt from the requirements of this section, provided such  
19 child complies with enrollment and reporting procedure  
20 specified in Section 16-28-7. Admission to public school shall  
21 be on an individual basis on the application of the parents,  
22 legal custodian, or guardian of the child to the local board  
23 of education at the beginning of each school year, under such  
24 rules and regulations as the board may prescribe. The parent,  
25 legal custodian, or guardian of a child who is six years of  
26 age, may opt out of enrolling their child in school at the age  
27 of six years by notifying the local school board of education,

1 in writing, that the child will not be enrolled in school  
2 until he or she is seven years of age.

3 "(b) (1) If a child withdraws from a public school,  
4 upon verification of enrollment in a Southern Association of  
5 Colleges and Schools or any entity with accreditation status  
6 as determined by one of the agencies identified on the United  
7 States Department of Education's list of Recognized National  
8 and Regional Accrediting Agencies or their affiliates  
9 accredited and recognized online school which has been  
10 authorized by the Alabama State Department of Education to  
11 provide instruction in lieu of in-person instruction, the  
12 child shall be counted as a transfer student.

13 "(2) If a child returns to a public school, semester  
14 exams shall be given to the child to determine grade  
15 placement.

16 "(3) This subsection does not and should not be  
17 interpreted to create on-line schools. However, if a student  
18 chooses to attend an accredited, state authorized on-line  
19 school, that student's former school should not be penalized  
20 by the student being classified as a dropout."

21 Section 2. This act shall become effective on the  
22 first day of the third month following its passage and  
23 approval by the Governor, or its otherwise becoming law.