

1 SB224
2 163719-1
3 By Senator Ross
4 RFD: Education and Youth Affairs
5 First Read: 12-MAR-15

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8 SYNOPSIS: Under existing law, city boards of education
9 are authorized to admit students up to the age of
10 19 years and the mandatory school attendance age is
11 between 6 and 17 years.

12 This bill would authorize city and county
13 boards of education to admit or readmit students
14 under age 21 for the purpose of graduating from
15 public high school.

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

1 funds, or provides a local source of revenue, to
2 the entity for the purpose.

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

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11 A BILL
12 TO BE ENTITLED
13 AN ACT
14

15 To amend Sections 16-11-16 and 16-28-3, Code of
16 Alabama 1975, relating to school admission and attendance; to
17 authorize public high schools to admit or readmit students
18 under age 21; and in connection therewith would have as its
19 purpose or effect the requirement of a new or increased
20 expenditure of local funds within the meaning of Amendment 621
21 of the Constitution of Alabama of 1901, now appearing as
22 Section 111.05 of the Official Recompilation of the
23 Constitution of Alabama of 1901, as amended.

24 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

25 Section 1. Sections 16-11-16 and 16-28-3 of the Code
26 of Alabama 1975, are amended to read as follows:

27 "§16-11-16.

1 "(a) The city board of education shall have power to
2 establish and maintain a system of public schools including
3 kindergartens and playgrounds for the benefit of children who
4 are bona fide residents of and living within the corporate
5 limits of such city.

6 "(b) Such children who are six years of age and less
7 than ~~19~~ 21 years of age on the date school opens shall be
8 entitled to admission to the elementary, junior, and senior
9 high schools.

10 "(c) A student who is older than mandatory school
11 attendance age may be admitted or readmitted to a public high
12 school to complete his or her twelfth grade year only if he or
13 she is under the age of 21 on the date the school year begins
14 and has completed sufficient course credits to graduate at the
15 end of that school year.

16 "~~(c)~~ (d) If a kindergarten is established and
17 maintained, children from five to eight years of age may be
18 admitted on such terms and conditions as the city board of
19 education may prescribe.

20 "§16-28-3.

21 "(a) Except as otherwise provided in subsection (b),
22 every child between the ages of six and 17 years shall be
23 required to attend a public school, private school, church
24 school, or be instructed by a competent private tutor for the
25 entire length of the school term in every scholastic year
26 except that, prior to attaining his or her 16th birthday every
27 child attending a church school as defined in Section 16-28-1

1 is exempt from the requirements of this section, provided such
2 child complies with enrollment and reporting procedure
3 specified in Section 16-28-7. Admission to public school shall
4 be on an individual basis on the application of the parents,
5 legal custodian, or guardian of the child to the local board
6 of education at the beginning of each school year, under such
7 rules and regulations as the board may prescribe. The parent,
8 legal custodian, or guardian of a child who is six years of
9 age, may opt out of enrolling their child in school at the age
10 of six years by notifying the local school board of education,
11 in writing, that the child will not be enrolled in school
12 until he or she is seven years of age.

13 "(b) (1) If a child withdraws from a public school,
14 upon verification of enrollment in a Southern Association of
15 Colleges and Schools or any entity with accreditation status
16 as determined by one of the agencies identified on the United
17 States Department of Education's list of Recognized National
18 and Regional Accrediting Agencies or their affiliates
19 accredited and recognized online school which has been
20 authorized by the Alabama State Department of Education to
21 provide instruction in lieu of in-person instruction, the
22 child shall be counted as a transfer student.

23 "(2) If a child returns to a public school, semester
24 exams shall be given to the child to determine grade
25 placement.

26 "(3) A student who is older than mandatory school
27 attendance age may be admitted or readmitted to a public high

1 school to complete his or her twelfth grade year only if he or
2 she is under the age of 21 on the date the school year begins
3 and has completed sufficient course credits to graduate at the
4 end of that school year.

5 "~~(3)~~ (4) This subsection does not and should not be
6 interpreted to create on-line schools. However, if a student
7 chooses to attend an accredited, state authorized on-line
8 school, that student's former school should not be penalized
9 by the student being classified as a dropout."

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

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