

1 HB260  
2 136490-1  
3 By Representative McClammy  
4 RFD: Education Policy  
5 First Read: 09-FEB-12

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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, 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.

11  
12 A BILL  
13 TO BE ENTITLED  
14 AN ACT

15  
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 18 years; and in connection therewith to 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~~ 18  
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.