HB6

125422-1

By Representative Merrill

RFD: Education Policy

First Read: 07-FEB-12

PFD: 09/15/2011
SYNOPSIS: Under existing law, and unless exempted, children between the ages of seven and 17 are required to attend a public school, private school, church school, or be instructed by a competent private tutor.

This bill would decrease the mandatory minimum age of children required to attend public school from seven to six years of age.

Amendment 621 of the Constitution of Alabama of 1901, now appearing as Section 111.05 of the Official Recompilation of the Constitution of Alabama of 1901, as amended, prohibits a general law whose purpose or effect would be to require a new or increased expenditure of local funds from becoming effective with regard to a local governmental entity without enactment by a 2/3 vote unless: it comes within one of a number of specified exceptions; it is approved by the affected entity; or the Legislature appropriates
funds, or provides a local source of revenue, to
the entity for the purpose.

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

A BILL
TO BE ENTITLED
AN ACT

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

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

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

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

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