HB388
137762-1
By Representative McClammy
RFD: Education Policy
First Read: 23-FEB-12
SYNOPSIS: Under existing law, cases of nonenrollment and nonattendance of students in the public K-12 schools are investigated by attendance officers at the request of the local superintendent of education.

This bill would delete the requirement of providing notice in any case where nonenrollment or nonattendance has been intentional and without valid reason.

This bill would also require the distribution and verification of receipt of the school attendance policy and applicable sections of the Alabama Compulsory School Attendance Law by each parent, guardian, or other person having control of a child enrolled in each school system.
To amend Section 16-28-16, Code of Alabama 1975, to require the distribution and verification of receipt of the school attendance policy and applicable sections of the Alabama Compulsory School Attendance Law by each parent, guardian, or other person having control of a child enrolled in each school system.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

"§16-28-16.

“(a) It shall be the duty of the county superintendent of education or the city superintendent of education, as the case may be, to require the attendance officer to investigate all cases of nonenrollment and of nonattendance. In all cases investigated where no valid reason for nonenrollment or nonattendance is found, the attendance officer shall give written notice to the parent, guardian, or other person having control of the child. In the event of the absence of the parent, guardian, or other person having control of the child from his or her usual place of residence, the attendance officer shall leave a copy of the notice with some person over 12 years of age residing at the usual place of residence, with instructions to hand the notice to the parent, guardian, or other person having control of the child, which notice shall require the attendance of the child at the school within three days from the date of the notice. In the event the investigation discloses that the nonenrollment or
nonattendance was without valid excuse or good reason and
intentional, the attendance officer shall be required to bring
criminal prosecution against the parent, guardian, or other
person having control of the child.

"(b) Each local superintendent of education, at the
commencement of each school year, shall provide a copy of the
written school attendance policy and applicable sections of
the Alabama Compulsory School Attendance Law to each parent,
guardian, or other person having control of a child enrolled
in the school system. Each parent, guardian, or other person
having control of a child enrolled in the school system shall
sign a statement verifying that he or she has read and been
given notice of the attendance policies of the state and the
respective school system.

"(c) Each child who is enrolled in a public
school shall be subject to the attendance and truancy
provisions of this article except that any parent or parents,
guardian or guardians who voluntarily enrolls their child in
public school, who feel that it is in the best interest of
that child shall have the right to withdraw the child at any
time prior to the current minimum compulsory attendance age."

Section 2. This act shall become effective
immediately following its passage and approval by the
Governor, or its otherwise becoming law.