SB71
134280-2
By Senator Dunn
RFD: Education
First Read: 07-FEB-12
PFD: 11/28/2011
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.

This bill would also change the date on which age is calculated for purposes of school attendance from September 1 to August 1 and would delete certain expired temporary provisions.

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 Sections 16-28-3 and 16-28-4, 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; to change the date on which age is calculated for school attendance from September 1 to August 1; to delete certain expired temporary provisions; and in connection therewith to 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

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 16-28-3 and 16-28-4 of the Code of Alabama 1975, are 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.

"§16-28-4.

"(a) A child who is six years of age on or before September August 1 or the date on which school begins in the enrolling district shall be entitled to admission to the public elementary schools at the opening of such schools for that school year or as soon as practicable thereafter. A child who is under six years of age on September August 1 or the
date on which school begins in the enrolling district shall not be entitled to admission to the first grade in the public elementary schools during that school year; except, that an underage child who transfers from the first grade of a school in another state may be admitted to school upon approval of the board of education in authority, and an underage child who has moved into this state having completed or graduated from a mandated kindergarten program in another state shall be entitled to admission to the public elementary schools regardless of age. A child who becomes six years of age on or before February 1 may, on approval of the board of education in authority, be admitted at the beginning of the second semester of that school year to schools in school systems having semiannual promotions of pupils.

"(b) A child who is five years of age on or before September August 1 or the date on which school begins in the enrolling district shall be entitled to admission to the local public school kindergartens at the opening of such schools for that school year or as soon as practicable thereafter; a child who is under five years of age on September August 1 or the date on which school begins in the enrolling district shall not be entitled to admission to such schools during that school year; except that, an underage child who transfers from the public school kindergarten in another state may be admitted to local public kindergarten on the prior approval of the local board of education on a space available basis. The aforementioned underage children transferring from the public
school kindergartens of another state, upon successful
completion of the kindergarten in the local public schools,
will then be allowed admission to the first grade of the local
public schools.

"(c) Students who were four years of age on or
before October 1, 1989, and are enrolled in a public, private
or church four year old program or kindergarten during the
1989-90 school year will be allowed to enroll in a
five year old public kindergarten, applicable only for the
1990-91 school year and to enroll in grade one of a public
school, applicable only for 1991-92 school year. Students who
are already enrolled in a public, private or church
kindergarten will be allowed to enroll in grade one of a
public school, applicable only for the 1990-91 school year.

"(d) No public school system shall lose any
teacher unit as a result of this section. The State Board of
Education is authorized to adopt policies for local boards of
education for the implementation of this section."

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.