

1 HB243  
2 163719-1  
3 By Representative Hill (M)  
4 RFD: Education Policy  
5 First Read: 11-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.

10  
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.