

1 SB347
2 116253-2
3 By Senator Smitherman
4 RFD: Finance and Taxation Education
5 First Read: 02-FEB-10

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8 SYNOPSIS: This bill would increase the maximum age of
9 children required to attend school from 17 to 18
10 and would clarify the option of attending
11 alternative school for students who violate a local
12 board of education code of conduct.

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

26 The purpose or effect of this bill would be
27 to require a new or increased expenditure of local

1 funds within the meaning of the amendment. However,
2 the bill does not require approval of a local
3 governmental entity or enactment by a 2/3 vote to
4 become effective because it comes within one of the
5 specified exceptions contained in the amendment.

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7 A BILL
8 TO BE ENTITLED
9 AN ACT

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11 To amend Section 16-28-3, as amended by Act
12 2009-564, 2009 Regular Session (Acts 2009, p. 1648), and
13 Section 2 of Act 2009-564, now appearing as Section 16-28-3.1,
14 Code of Alabama 1975, relating to mandatory school attendance,
15 to increase the maximum age of children required to attend
16 public school from 17 to 18; to clarify the option of
17 attending alternative school for students who violate a local
18 board of education code of conduct; and in connection
19 therewith would have as its purpose or effect the requirement
20 of a new or increased expenditure of local funds within the
21 meaning of Amendment 621 of the Constitution of Alabama of
22 1901, now appearing as Section 111.05 of the Official
23 Recompilation of the Constitution of Alabama of 1901, as
24 amended.

25 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

26 Section 1. Section 16-28-3, as amended by Act
27 2009-564, 2009 Regular Session (Acts 2009, p. 1648), and

1 Section 2 of Act 2009-564, now appearing as Section 16-28-3.1
2 of the Code of Alabama 1975, are amended to read as follows:

3 "§16-28-3.

4 "Every child between the ages of seven and ~~17~~ 18
5 years shall be required to attend a public school, private
6 school, church school, or be instructed by a competent private
7 tutor for the entire length of the school term in every
8 scholastic year except that, prior to attaining his or her
9 16th birthday every child attending a church school as defined
10 in Section 16-28-1 is exempt from the requirements of this
11 section, provided such child complies with enrollment and
12 reporting procedure specified in Section 16-28-7. Admission to
13 public school shall be on an individual basis on the
14 application of the parents, legal custodian, or guardian of
15 the child to the local board of education at the beginning of
16 each school year, under such rules and regulations as the
17 board may prescribe. Any child who attains his or her 18th
18 birthday during the school year shall remain enrolled in
19 school for the entire length of that school year.

20 "§16-28-3.1.

21 "(a) A child over the age of ~~17~~ 18 may withdraw from
22 public school prior to graduation if both of the following
23 circumstances exist:

24 "(1) Written consent is granted by the child's
25 parent or legal guardian.

26 "(2) An exit interview is conducted where the
27 student and the student's parent or legal guardian have been

1 advised that withdrawal from school shall likely reduce the
2 student's future earning potential and increase the student's
3 likelihood of being unemployed in the future. During the exit
4 interview, the student who is withdrawing from school shall be
5 given information that has been prepared and supplied by the
6 State Department of Education regarding the detrimental
7 impacts and effects of early withdrawal from school along with
8 any available training and employment opportunity programs,
9 provided such information is available.

10 "(b) The State Department of Education shall work
11 with local public school systems that have the lowest
12 four-year graduation rates. The department shall incorporate
13 specific dropout prevention strategies, target resources, and
14 gather data that will improve graduation rates and educational
15 outcomes in all grades in all public schools. The department
16 shall develop specific methods of targeted intervention or
17 identify appropriate existing methods for local public school
18 systems that have a four-year graduation rate less than the
19 percentage as determined by the State Board of Education.
20 These interventions may include the following:

21 "(1) Early intervention for students who fail
22 Algebra I, or any ninth grade reading or math class, and have
23 insufficient credits to be promoted.

24 "(2) Alternative education programs designed to
25 reengage dropouts including, but not limited to, dual
26 enrollment courses at the community college level.

1 "(3) Increased availability of advanced placement
2 courses.

3 "(4) Offering full course fee waivers for students
4 who are eligible for free or reduced lunches, when enrolled in
5 dual credit courses.

6 "(5) Flexible programs for older students who are
7 currently not enrolled.

8 "(6) Comprehensive coaching for middle school and
9 high school students who are below grade level in reading and
10 math or who are at risk due to poor attendance, behavior, or
11 safety issues including, but not limited to, harassment and
12 bullying.

13 "(7) Teacher advisories and other supports that are
14 designed to specifically address the needs of those students
15 who are most at risk of dropping out of school by providing
16 opportunities to build positive connections with peers and
17 teachers and providing assistance with course selection,
18 school performance, and completion of graduation requirements.
19 Students who are most at risk of dropping out of school
20 include, but are not limited to, those students who move
21 often, have poor attendance, or have multiple suspensions or
22 discipline issues.

23 "(8) Strategies that are specifically designed to
24 improve high school graduation rates for those teenagers who
25 are at the highest risk of dropping out, including, but not
26 limited to, students in the foster care system, pregnant

1 students, student parents, English as second language
2 students, and students with special educational needs.

3 "(c) The department, in addition to other
4 information and data, shall compile all of the following data
5 to ensure that the dropout prevention program, and local
6 versions of the program, are based upon evidence-based
7 research, are data-driven, and show continuous improvement in:

8 "(1) The total number of high school suspensions
9 related to truancy.

10 "(2) The total number of students enrolled in
11 alternative education programs.

12 "(3) The total number of students who have been
13 reenrolled in programs with flexible schedules or community
14 college programs.

15 "(4) The total number of students who have failed
16 Algebra I or ninth grade reading or math.

17 "(5) The total number of students who are repeating
18 the ninth grade.

19 "(6) The total number of students receiving remedial
20 assistance in the ninth grade.

21 "(d) The department shall prepare and submit to the
22 Legislature a written report that documents all of the
23 following:

24 "(1) The outcomes of the dropout prevention
25 strategies to date, at the local school system level.

1 "(2) Any planned modification of school system
2 dropout prevention strategies and activities, based on the
3 data compiled.

4 "(d) A public school student may request or be sent
5 to an alternative school, where applicable, if the conduct or
6 behavior of the student violates the code of conduct of the
7 local board of education. This subsection shall not be
8 construed as prohibiting a local board of education from
9 establishing policies regarding attendance, whether voluntary
10 or mandatory, for alternative schools under the jurisdiction
11 of the local board of education pursuant to state law."

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

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