

1 HB6  
2 125422-1  
3 By Representative Merrill  
4 RFD: Education Policy  
5 First Read: 01-MAR-11  
6 PFD: 02/22/2011

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8 SYNOPSIS: Under existing law, and unless exempted,  
9 children between the ages of seven and 17 are  
10 required to attend a public school, private school,  
11 church school, or be instructed by a competent  
12 private tutor.

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

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

24 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

25 Section 1. Section 16-28-3 of the Code of Alabama  
26 1975, is amended to read as follows:

27 "§16-28-3.

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

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

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