

ACT# 2009- 564

1 SB334
2 110218-3
3 By Senator Orr
4 RFD: Education
5 First Read: 10-FEB-09



1 SB334

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4 ENROLLED, An Act,

5 To amend Sections 16-28-3, 16-28-6, 16-28-7,
6 16-28-9, 16-28-11, and 21-1-10, Code of Alabama 1975, relating
7 to mandatory school attendance, and to add Section 16-28-3.1
8 to the Code of Alabama 1975, to increase the age of children
9 required to attend public school; to authorize certain
10 students to withdraw from public school under certain
11 circumstances; to provide for guidelines and procedures with
12 respect to withdrawal from school; to create a dropout
13 prevention and recovery fund; to provide for the collection
14 and reporting of related data; and in connection therewith
15 would have as its purpose or effect the requirement of a new
16 or increased expenditure of local funds within the meaning of
17 Amendment 621 of the Constitution of Alabama of 1901, now
18 appearing as Section 111.05 of the Official Recompilation of
19 the Constitution of Alabama of 1901, as amended.

20 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

21 Section 1. Sections 16-28-3, 16-28-6, 16-28-7,
22 16-28-9, 16-28-11, and 21-1-10 of the Code of Alabama 1975,
23 are amended to read as follows:

24 "§16-28-3.

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

14 "§16-28-6.

15 "(a) The following children, when issued
16 certificates of exemption by the county superintendent of
17 education, where they reside in territory under the control
18 and supervision of the county board of education, or the city
19 superintendent of schools, where they reside in territory
20 under the control and supervision of a city board of
21 education, shall not be required to attend school, or to be
22 instructed by a private tutor:

23 "(1) Children whose physical or mental condition is
24 such as to prevent or render inadvisable attendance at school
25 or application to study. Before issuing such certificate of

1 exemption, the superintendent shall require a certificate from
2 the county health officer in counties which have a health
3 unit, and from a regularly licensed, practicing physician in
4 counties which do not have a health unit, that such a child is
5 physically or mentally incapacitated for school work.

6 "(2) Children who have completed the course of study
7 of the public schools of the state through high school as now
8 constituted.

9 "(3) Where because of the distance children reside
10 from school and the lack of public transportation such
11 children would be compelled to walk over two miles to attend a
12 public school.

13 "(4) Where the children are legally and regularly
14 employed under the provisions of the law relating to child
15 labor and hold permits to work granted under the terms of said
16 child labor law.

17 "(5) Otherwise qualified children who withdraw from
18 school pursuant to Section 16-28-3.1.

19 "(b) Nothing in this section shall be construed so
20 as to deny any right to any child granted under the provisions
21 of Sections 16-39-1 through 16-39-12.

22 "§16-28-7.

23 "At the end of the fifth day from the opening of the
24 public school, the principal teacher of each public school,
25 private school, and each private tutor, but not church school,

1 shall report on forms prescribed by the State Superintendent
2 of Education to the county superintendent of education, in the
3 event the school is operated in territory under the control
4 and supervision of the county board of education, or to the
5 city superintendent of schools, in the event the school is
6 operated in territory under the control and supervision of a
7 city board of education, the names and addresses of all
8 children of mandatory school attendance age who have enrolled
9 in such schools; and thereafter, throughout the compulsory
10 attendance period, the principal teacher of each school and
11 private tutor shall report at least weekly the names and
12 addresses of all children of mandatory school attendance age
13 who enroll in said school or who, having enrolled, were absent
14 without being excused, or whose absence was not satisfactorily
15 explained by the parent, guardian, or other person having
16 control of the child. The enrollment and attendance of a child
17 in a church school shall be filed with the local public school
18 superintendent by the parent, guardian, or other person in
19 charge or control of the child on a form provided by the
20 superintendent or his agent which shall be countersigned by
21 the administrator of the church school and returned to the
22 public school superintendent by the parent. Should said child
23 cease attendance at a church school, the parent, guardian, or
24 other person in charge or control of the child shall by prior
25 consent at the time of enrollment direct the church school to

1 notify the local public school superintendent or his agent
2 that said child no longer is in attendance at a church school.

3 "§16-28-9.

4 "In order that the provisions of this article may
5 more definitely be enforced, the county superintendent of
6 education and the city superintendent of schools shall, before
7 the opening of the public schools, make a list for each school
8 under his control or supervision of all children of mandatory
9 school attendance age who should attend such school or schools
10 under his charge or control. Such list must give the name,
11 date of birth, age, sex, race, and the name and address of the
12 parent, guardian, or other person in parental relationship. In
13 case of pupils living in cities, the street and house number
14 shall be given, and in case of all other pupils, the estimated
15 distance from the schoolhouse by the nearest traveled road
16 shall be given.

17 "§16-28-11.

18 "The county superintendent of education or the city
19 superintendent of schools, as the case may be, shall upon the
20 receipt of the report from teachers and private tutors showing
21 the enrollment of children of mandatory school attendance age,
22 compare and study the reports with the list which has been
23 compiled of the children who should attend each school and
24 ascertain what child or children required to attend school are
25 not enrolled.

1 "§21-1-10.

2 "It shall be the duty of any parent, guardian, or
3 other person having control of any deaf or blind child of
4 mandatory school attendance age and so handicapped by
5 deafness, blindness, or inability to speak as to be unable to
6 make satisfactory progress in the public schools of the
7 community in which such child resides to enroll such child in
8 the Alabama Institute for Deaf and Blind located at Talladega,
9 Alabama, not later than five days after the opening of this
10 school and to keep such child in school during each scholastic
11 year for a term of 36 weeks, or for the length of the school
12 term."

13 Section 2. Section 16-28-3.1 is added to the Code of
14 Alabama 1975, to read as follows:

15 §16-28-3.1.

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

19 (1) Written consent is granted by the child's parent
20 or legal guardian.

21 (2) An exit interview is conducted where the student
22 and the student's parent or legal guardian have been advised
23 that withdrawal from school shall likely reduce the student's
24 future earning potential and increase the student's likelihood
25 of being unemployed in the future. During the exit interview,

1 the student who is withdrawing from school shall be given
2 information that has been prepared and supplied by the State
3 Department of Education regarding the detrimental impacts and
4 effects of early withdrawal from school along with any
5 available training and employment opportunity programs,
6 provided such information is available.

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

18 (1) Early intervention for students who fail Algebra
19 I, or any ninth grade reading or math class, and have
20 insufficient credits to be promoted.

21 (2) Alternative education programs designed to
22 reengage dropouts including, but not limited to, dual
23 enrollment courses at the community college level.

24 (3) Increased availability of advanced placement
25 courses.

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

4 (5) Flexible programs for older students who are
5 currently not enrolled.

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

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

21 (8) Strategies that are specifically designed to
22 improve high school graduation rates for those teenagers who
23 are at the highest risk of dropping out, including, but not
24 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 information
4 and data, shall compile all of the following data to ensure
5 that the dropout prevention program, and local versions of the
6 program, are based upon evidence-based research, are
7 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 Section 3. (a) The State Superintendent of
5 Education, the Chancellor of the Department of Postsecondary
6 Education, and the Alabama Commission on Higher Education
7 shall develop a plan for a high school fast track to college
8 program that offers qualified individuals an opportunity to
9 earn a high school diploma while earning credits for a
10 certificate program or an associate's degree.

11 (b) To be eligible to earn a high school diploma
12 pursuant to this section, an individual shall be either:

13 (1) Eighteen years of age and not currently enrolled
14 in school.

15 (2) Between 16 and 18 years of age with consent from
16 an administrator of the high school in which the individual is
17 currently enrolled.

18 (c) To complete the requirements for a high school
19 diploma pursuant to this section, the individual shall satisfy
20 all graduation requirements as required by law.

21 (d) The department, in collaboration with the
22 Department of Postsecondary Education and the Alabama
23 Commission on Higher Education shall report to the Legislature
24 on the feasibility of establishing the fast track to college
25 program.

1 Section 4. Although this bill would have as its
2 purpose or effect the requirement of a new or increased
3 expenditure of local funds, the bill is excluded from further
4 requirements and application under Amendment 621, now
5 appearing as Section 111.05 of the Official ReCompilation of
6 the Constitution of Alabama of 1901, as amended, because the
7 bill requires expenditures only by a school board.

8 Section 5. This act shall become effective on the
9 first day of the third month following its passage and
10 approval by the Governor, or its otherwise becoming law.

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Jim Johnson

President and Presiding Officer of the Senate

Rep. Huff

Speaker of the House of Representatives

SB334

Senate 10-MAR-09

I hereby certify that the within Act originated in and passed the Senate, as amended.

McDowell Lee
Secretary

House of Representatives
Amended and passed 05-MAY-09

Senate concurred in House amendment 15-MAY-09

By: Senator Orr

APPROVED *May 18, 2009*
TIME *1:40 pm*
Bob Riley
GOVERNOR

Alabama Secretary Of State

Act Num....: 2009-564
Bill Num....: S-334

Recv'd 05/18/09 02:56pm JJB