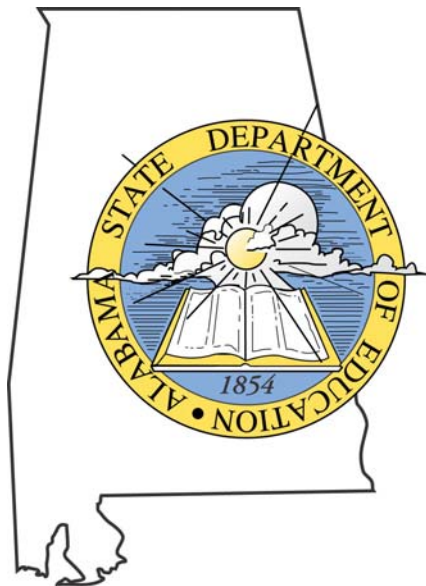


SCHOOL ATTENDANCE MANUAL



Revised 2011

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State Superintendent of Education

Prevention and Support Services Section
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Revised 2011

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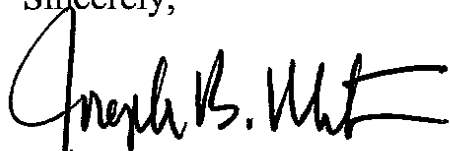
FORWARD

Well-established programs of school attendance continue to be an imperative responsibility for personnel at the local school and school system levels. This manual is designed to serve as a guide in the establishment of such programs. To ensure its usefulness, we have solicited the assistance of selected attendance officers and other personnel from the local board of education level and our own department to revise the manual issued in the 1999-2000 school year. The State Board of Education members and the State Department of Education appreciate the time and effort expended by our committee members. We also appreciate the local superintendents who allowed these members time to participate in this project.

No program will be useful unless it is implemented consistently and well. Therefore, I challenge each person at the local school level to become knowledgeable of the information provided herein and to consistently enforce the requirements for daily school attendance as well as timely arrival and departure of students and staff.

I pledge my support to you in the development and implementation of sound school attendance programs and rules.

Sincerely,

A handwritten signature in black ink, appearing to read "Joseph B. Morton". The signature is written in a cursive, flowing style with a prominent initial "J" and a long horizontal stroke at the end.

Joseph B. Morton
State Superintendent of Education

INTRODUCTION

The material presented in this publication may be the first step in the development of local attendance policies and procedures. This manual represents an attempt to organize information from various sources such as state laws, State Board of Education policies, committee recommendations, legal opinions of the Attorney General, interpretations of school laws by the State Superintendent of Education, and local education agency policies and procedures.

This material is primarily for reference. It is not intended as a substitute for local board policies and procedures, nor advice of counsel. **Where statutes are cited, please refer to the full text for clarification.**

Whenever possible, the basis for recommendations and policy statements is given.

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No person shall be denied employment, be excluded from participation in, be denied the benefits of, or be subjected to discrimination in any program or activity on the basis of disability, gender, race, religion, national origin, color, age or genetics. Ref: Sec. 1983, Civil Rights Act, 42 U.S.C.; Title VI and VII, Civil Rights Act of 1964; Rehabilitation Act of 1973, Sec. 504; Age Discrimination in Employment Act; The Americans with Disabilities Act of 1990 and The Americans with Disabilities Act Amendments Act of 2008; Equal Pay Act of 1963; Title IX of the Education Amendment of 1972; Title II of the Genetic Information Nondiscrimination Act of 2008: Title IX Coordinator, P.O. Box 302101, Montgomery, Alabama 36130-2101 or call (334) 242-8165.

ATTENDANCE OFFICER

ATTENDANCE OFFICER

The Attendance Officer is a vital member of the education community. Each school system in Alabama is required to employ at least one Attendance Officer whose responsibility is to secure the enrollment and attendance of all mandatory school-age children within his/her attendance districts. Due to the size of some systems, the Attendance Officer may also hold additional duties within the school district.

In performing their duties, Attendance Officers must investigate all reported cases of nonenrollment or nonattendance. When there is no valid reason for the nonenrollment or nonattendance, the Attendance Officer shall give the parent, guardian, or other person having charge or control of the child written notice requiring attendance of the child within three (3) days from the notice date. He/She is further required to bring criminal prosecution against the parent, guardian, or other person in those cases found to be without reason.

Finally, the Attendance Officer may take any school-age child into custody when the child is found away from home during school hours and not in the custody of the person having charge or control of the child.

Attendance Officers are required to keep accurate records of all notices served, cases prosecuted, and services performed. An annual report is to be made to the board of education for which the Attendance Officer is employed.



**SCHOOL CALENDAR/
SCHOOL DAY**

**GENERAL PROVISIONS/DEFINITIONS
SCHOOL CALENDAR/SCHOOL DAY**

A. SCHOLASTIC DAY

The scholastic day shall not be less than six hours of actual teaching, exclusive of all recesses or intermission periods unless otherwise ordered by the county or city board of education.

Authority: Code of Alabama (1975) §16-1-1

B. SCHOLASTIC WEEK

The scholastic week shall consist of five school days each week.

Authority: Code of Alabama (1975) §16-1-1

C. SCHOLASTIC MONTH

The scholastic month shall constitute 20 school days.

Authority: Code of Alabama (1975) §16-1-1

D. FISCAL YEAR

The fiscal year is from October 1 to September 30, inclusive.

Authority: Code of Alabama (1975) §16-1-1 and §16-13-1

E. SCHOLASTIC YEAR

The scholastic year shall begin with the 1st day of July and end with the 30th day of June each year.

Authority: Code of Alabama (1975) §16-1-1

F. SCHOOL TERM

The local board of education shall provide a school term of at least 180 full instructional days.

*Authority: Code of Alabama (1975) §16-13-231
Alabama Administrative Code 290-3-1-.02(2)(a)(1)*

FULL-DAY ATTENDANCE

A. FULL-DAY ATTENDANCE REQUIRED

Generally, all students are to remain in school for the full instructional day.

*Authority: State Superintendent of Education
Interpretation, August 24, 1989*

B. FULL-DAY ATTENDANCE EXCEPTIONS

1. A student shall remain in school for the full scholastic day except when the student is earning high school or college credit through cooperative education, clinical experiences, college-level course work, or through cooperative arrangements with a postsecondary institution.
2. Exceptions may be granted for students enrolled in bona fide career technical programs and for students enrolled in college-level course work through cooperative arrangements between the high school and postsecondary institution. This exception includes students who are IDEA eligible and/or 504 protected if coordinated through the high school as a part of the student's educational program.
3. A fifth-year senior or a student eligible to graduate during the current scholastic year may attend only the number of class periods necessary to take the courses needed to complete requirements for his/her diploma, but must have the approval of the local board of education. [Special circumstances may warrant a special schedule with principal approval. *Authority: Alabama Administrative Code 290-3-1-.02(8.1)(1-1)*]
4. The local board may establish a policy to grant exceptions in extreme situations or hardship.

*Authority: State Superintendent of Education
Interpretation, August 24, 1989*

5. A student who has completed all coursework for graduation may return to school without being enrolled to take portions of the *Alabama High School Graduation Exam* not passed.

*Authority: Handbook of Administrative Procedures for the
Alabama Graduation Examination Program
State Department of Education*



ADMISSION TO PUBLIC SCHOOL

ADMISSION TO PUBLIC SCHOOL

A. ENTRANCE

1. ADMISSION

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.

Authority: Code of Alabama (1975) §16-28-3

2. ATTENDANCE ZONES/DISTRICTS

The county or city superintendent, as the case may be, shall recommend a plan for the laying out of local attendance districts and shall submit this plan for approval and adoption by the county or city board of education. Students shall be assigned to the schools within the attendance district according to local board policies, court order or applicable state laws, and/or State Board of Education mandates.

Authority: Code of Alabama (1975) §§16-9-17, 16-28-19, 16-8-34

B. AGE

1. 1. REQUIRED TO ATTEND

Every child between the ages of 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. The parent, legal custodian, or guardian of a child who is six years of age, may opt out of enrolling their child in school at the age of six years by notifying the local school board of education, in writing that the child will not be enrolled in school until he or she is seven years of age.

Authority: Code of Alabama (1975) §16-28-3

2. MINIMUM AGE FOR ADMISSION

- a. A child who is six years of age on or before September 1 (2)* 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.

Authority: Code of Alabama (1975) §16-28-4
**Report of Attorney General of Alabama*
October-December 1963
Volume 113, page 20

- b. A child who becomes six years old on or before February 1 may, with the approval of the local board of education, be admitted at the beginning of the second semester in school systems having semiannual promotions of pupils.

Authority: Code of Alabama (1975) §16-28-4

- c. A child who is five years of age on or before September 1 (2)* or the date on which school begins in the enrolling district is entitled to admission to the Kindergarten program at the beginning of the school year or as soon as practicable thereafter.

Authority: Code of Alabama (1975) §16-28-4
**Interpretation based on Report of*
Attorney General of Alabama
October-December 1963,
Volume 113, page 20

- d. Kindergarten or Grade 1 students who were enrolled in an Alabama private school, church school, or were being tutored in accordance with the *Code of Alabama (1975)* and who seek admission to Kindergarten or Grade 1 in the public schools must meet the age requirements for admittance as of September 1 (2)* or the opening date of school in the enrolling district.

Authority: Code of Alabama (1975) §16-28-4

3. AGE REQUIREMENTS-KINDERGARTEN AND GRADE 1 OUT-OF-STATE TRANSFERS

- a. An underage child who transfers from the first grade of a school in another state may be admitted, but must have the approval of the local board of education.

Authority: Code of Alabama (1975) §16-28-4

- b. An underage child who has moved into this state and has completed a mandated kindergarten program in another state shall be entitled to admission to the public elementary school regardless of age.

Authority: Code of Alabama (1975) §16-28-4

- c. An underage child who transfers to Alabama from the public school Kindergarten in another state may be admitted, but must have prior approval of the local board of education.

Authority: Code of Alabama (1975) §16-28-4

- d. The age requirements apply to the provision of special education and related services for preschool children with disabilities by the child's third birth date. Public agencies may not use school admission cutoff dates to deny special education services for eligible preschool children. However, these children may not attend the regular kindergarten program, unless they meet the age requirements.

Authority: Alabama Administrative Code: 290-8-9-.04(3)(a)

4. THE MCKINNEY-VENTO HOMELESS ASSISTANCE ACT

This federal law ensures that the educational needs of homeless children and youth are met through immediate enrollment, comparable services, and supplemental services. All homeless children and youth must have equal access to the same free, appropriate public education, including a public preschool education, as provided to other children and youths and afforded the opportunity to meet the same challenging state student academic achievement standards to which all students are held.

*Authority: McKinney-Vento Homeless Assistance Act
42 U.S.C. 11431 et seq.
Alabama Administrative Code 290-3-1-.02(7)(c) through 290-3-1-.02(7)(i)(iv)*

*An opinion of the Attorney General states in effect that under the common law one's age is computed by including the day of birth so that a given age is attained the day before the birthday anniversary.

C. DOCUMENTATION REQUIRED FOR ADMISSION

1. IMMUNIZATION CERTIFICATES/MEDICAL OR RELIGIOUS EXEMPTION

The boards of education shall require each pupil otherwise entitled to admittance into an Alabama public school to present a certificate of immunization, medical or religious exemption upon initial entrance into school.

Authority: Code of Alabama (1975) §§16-30-3 and -4

2. SOCIAL SECURITY NUMBER/TEMPORARY NUMBER

a. Each child enrolled in an Alabama public school Grades Kindergarten through Grade 12 shall have a social security number and a valid social security card which shall be presented to school official(s) at the time of pre-registration/registration for verification and returned to child/parent/guardian/custodian. For each person who is otherwise entitled to admittance but does not have a social security number, the local superintendent or agency shall assign a temporary number in accordance with the directions as specified by the State Department of Education.

- (1) A student may not be denied registration who does not have a social security number or who has not completed an application. Every effort should be made to get each student's social security number.
- (2) A copy of the social security card is not required. It is sufficient to verify the card, copy the number onto a registration form, and put in the permanent record when a parent/and or guardian does not want the card copied.
- (3) A temporary number should be assigned to students whose parents and/or guardians object to releasing such information. This number is valid for ten years or until the student exits the local system. A new number should be assigned upon entering the new system or the tenth year.

b. The temporary identification number shall be uniquely assigned as follows:

- (1) Must be nine numeric digits (the same number of digits as the social security number).
- (2) Reading left to right, position 1 must be a 9.

- (3) Position 2 must be the last digit of the calendar year; for example, this is 2008 and, therefore, position 2 is 8.
- (4) Positions 3, 4, and 5 represent the unique 3-digit system number assigned by the State Department of Education; for example, Montgomery County is 051 and Huntsville City is 159.
- (5) Positions 6, 7, 8, and 9 represent a sequential number beginning with 0001 each January 1. This allows 9,999 temporary numbers to be assigned each year by each local education agency.

Authority: Alabama Administrative Code 290-3-1-.02(4)(b)(2)

3. PROOF OF AGE: KINDERGARTEN AND GRADE 1

The local board may prescribe reasonable rules and regulations governing the admission to public schools of a child. A local board may promulgate a rule which requires a parent to present a birth certificate as a pre-condition to the child being admitted to the school. A school may not refuse to admit a child merely because a parent is unable to obtain a birth certificate. If it is determined that a child does not have a birth certificate or such certificate cannot easily be obtained in time for the child to be admitted to school at the normal time, the school may accept other evidence of proof of the age of the child such as a sworn affidavit from the parent. In short, a school may require proof of a child's age to be made in a reasonable manner, but may not use the inability of the parent to obtain a birth certificate as a reason for excluding a child from attendance at school.

*Authority: State Superintendent of Education
Interpretation, August 31, 1993*

4. ADDITIONAL REQUIREMENTS

Additional documentation required by local education agencies for school entrance should be clearly and concisely delineated.

5. READMISSION

If a person is found to have violated the local board of education policies concerning drugs, alcohol, weapons, physical harm to a person, or threatened physical harm to a person, the person may not be readmitted to the public schools until any criminal charges or offenses arising from the conduct have been disposed of by appropriate authorities and the person has satisfied all other requirements imposed by the local school system as a condition for readmission.

Authority: Code of Alabama (1975) §16-1-24.1(c)

Any person determined to be guilty of an offense involving drugs, alcohol, weapons, physical harm to a person, or threatened physical harm to a person may be readmitted to the public schools of this state upon such conditions as the local board of education shall prescribe for preservation of the safety or security of students and employees of the local school board, which may include, but are not limited to, psychiatric or psychological evaluation and counseling.

Authority: Code of Alabama (1975) §16-1-24.1(d)

ALTERNATIVE EDUCATION PROGRAMS

A. PLACEMENT

1. NOTICE BY THE COURT

- a. Notwithstanding subsection (a) of Section 12-15-133, written notice that a child enrolled in a school, Kindergarten to Grade 12, has been found delinquent of an act which if committed by an adult would be a Class A or B felony or any other crime, at the discretion of the juvenile court, shall be provided within seven days to the superintendent of the school district of attendance, or, if the child attends a private school, to the principal of the school. The juvenile court shall provide the notice using whatever method it deems appropriate or otherwise as decided by the Administrative Office of Courts. The prosecutor may recommend to the juvenile court that notice be given to the school for any delinquent act. Written notice shall include only the offenses, enumerated by the appropriate code section and brief description, found to have been committed by the child and the disposition of the case involving the child. Where applicable, this notice shall be expeditiously transmitted by the district superintendent to the principal at the school of attendance. The principal shall disseminate the information to those counselors directly supervising or reporting on the behavior or progress of the child. In addition, the principal may disseminate the information to any teacher, administrator, or other school employee directly supervising or reporting on the behavior or progress of the child whom the principal believes needs the information to work with the pupil in appropriate fashion or to protect other students and staff.

Authority: Code of Alabama (1975) §12-15-217

2. BY THE SCHOOL SYSTEM

- a. Any city, county, or other local public school board shall, consistent with §16-28-12, prescribe rules and regulations with respect to behavior and discipline of pupils enrolled in the schools under its jurisdiction and, in order to enforce such rules and regulations, may remove, isolate, or separate pupils whose presence in the class may be detrimental to the best interest and welfare of the pupils of such class as a whole.

Authority: Code of Alabama (1975) § 16-1-14

- b. A local board of education may prescribe special courses in citizenship, health, morals, or any other subject it may consider necessary to meet the needs of special groups of pupils and may prescribe individual tutoring, counseling, or group instruction and may assign special teachers and special classrooms or other places for such purposes and may schedule such courses either during or after regular school hours or at any time administratively feasible.

Authority: Code of Alabama (1975) § 16-1-16

B. READMISSION TO SCHOOL

1. AFTER COMPLETION OF SENTENCE

Any person determined to be guilty of an offense involving drugs, alcohol, weapons, physical harm to a person, or threatened physical harm to a person may be readmitted to the public schools of this state upon such conditions as the local board of education shall prescribe for preservation of the safety or security of students and employees of the local school board, which may include, but are not limited to, psychiatric or psychological evaluation and counseling.

Authority: Code of Alabama (1975) §16-1-24.1(d)

2. AFTER CONVICTION, BUT NOT SENTENCED TO IMPRISONMENT

Prior to the enactment of the *Alabama Juvenile Justice Act of 2008*, the *Code of Alabama, 1975*, required that several broad categories of children be placed in alternative schools by operation of law. See *Code of Alabama, 1975*, § 12-15-71(k) – (o) (2008). The 2008 Act deleted those sections, thereby restoring the discretion of local school boards to determine the appropriate educational setting and placement of students on an individualized basis, as required by federal law. See 20 U.S.C. §1414(d) (2008); 20 U.S.C. §1412(a)(5)(B) (2008).

Authority: Code of Alabama (1975) §12-15-215 (Guidance 79)

C. SPECIAL EDUCATION STUDENTS

The decision to assign a student to an alternative school shall include a review and consideration of the exceptional status pursuant to *Code of Alabama (1975), Title 16, Chapter 39* if applicable, and any appropriate federal and state statutory and case law.

Nothing in these rules prohibits an agency from reporting an alleged crime committed by a child with a disability to appropriate authorities or prevents State law enforcement and judicial authorities from exercising their responsibilities with regard to the application of federal and state law to crimes committed by a child with a disability.

School personnel may remove a student to an interim alternative educational setting for not more than 45 school days without regard to whether the behavior is determined to be a manifestation of the child's disability, if the child:

1. Carries a weapon to or possesses a weapon at school, on school premises, or to or at a school function under the jurisdiction of the SEA or an LEA,
2. Knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function under the jurisdiction of the SEA or an LEA, or
3. Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of the SEA or an LEA.

Authority: Alabama Administrative Code: 290-8-9-.09(2)(e)

EXCLUSION FROM PUBLIC SCHOOL

SCHOOL EXCLUSION

The following children, when issued certificates of exemption by the county superintendent of education, where they reside in territory under the control and supervision of the county board of education, or the city superintendent of schools, where they reside in territory under the control and supervision of a city board of education, shall not be required to attend a public school:

A. COMPLETED COURSE OF STUDY THROUGH HIGH SCHOOL

Children who have completed the course of study of the public schools through high school shall not be required to attend school or to be instructed by a private tutor.

Authority: Code of Alabama (1975) §16-28-6

B. PUBLIC TRANSPORTATION UNAVAILABLE

Children who, because of the lack of public transportation, have to walk over two miles to attend school are not required to attend school.

Authority: Code of Alabama (1975) §16-28-6

C. LEGALLY EMPLOYED

Children who are legally and regularly employed under the provisions of the child labor laws shall not be required to attend school or to be instructed by a private tutor.

Authority: Code of Alabama (1975) §16-28-6

D. INSTRUCTED BY PRIVATE TUTOR

Children being instructed by a private tutor meeting the requirements as specified in the *Code of Alabama (1975)* and any applicable State Board policies shall not be required to attend public or private schools.

Authority: Code of Alabama (1975) §16-28-5

E. ENROLLED IN CHURCH SCHOOL

Children who are attending church schools and comply with applicable federal or state statutes and rules or regulations promulgated by the State Board of Education shall not be required to attend public schools or be instructed by a private tutor.

Authority: Code of Alabama (1975) §16-28-3

F. QUALIFIED CHILDREN

Children who withdraw from school pursuant to Section 16-28-3.1 shall not be required to attend school or be instructed by a private tutor.

Authority: Code of Alabama (1975) §16-28-6

F. ENROLLED IN PRIVATE SCHOOL

Children who are attending private schools and comply with applicable federal or state statutes and rules or regulations promulgated by the State Board of Education shall not be required to attend public schools or be instructed by a private tutor.

Authority: Code of Alabama (1975) §16-28-3

G. VIOLATION OF POLICIES RELATED TO DRUGS, ALCOHOL, WEAPONS, PHYSICAL HARM OR THREATENED HARM

The principal shall notify appropriate law enforcement officials when any person violates local board of education policies concerning drugs, alcohol, weapons, physical harm to a person, or threatened physical harm to a person If that person is a student enrolled in any public school . . . the local school system shall immediately suspend that person from attending regular classes and schedule a hearing at the earliest possible date, which shall not be later than five school days. The decision to suspend or initiate criminal charges . . . shall include a review and consideration of the student's exceptional status, if applicable, under Chapter 39, or appropriate federal statutory or case law.

*Authority: Code of Alabama (1975) §§16-1-24.1, 16-1-24.3
Alabama Administrative Code 290-8-9-.09*

H. PRESENCE OF COMMUNICABLE OR CONTAGIOUS DISEASE

The county or city board of education, upon receipt of a report from the medical officer, may suspend said child from attendance of any public school if said medical examiner is of the opinion that said communicable or contagious disease or any other disease will endanger the health of the child attending school.

Authority: Code of Alabama (1975) §16-29-1

I. SUSPENDED OR EXPELLED

1. Students who have been suspended or expelled in accordance with established due process procedures may be excluded from school. Exceptional status requires a review of any applicable federal and state laws, case laws, and State Board of Education policies.

Authority: Code of Alabama (1975) §16-1-14

2. Students who, after due process has been accorded, have been found to have brought a firearm to school or have in their possession a firearm in a school building, on school grounds, on school buses, or at any other school-sponsored functions shall be expelled for a period of not less than one year (subject to a case-by-case exception).

*Authority: Code of Alabama (1975) §16-1-24.3
United States Department of Education
Title 18, U.S.C., §921, October 31, 1995*

3. Students may not be deprived of an equal and adequate education resulting from the removal, isolation, or separation of the student for disciplinary problems.

Authority: Code of Alabama (1975) §16-1-14

4. A local board of education may permit any pupil to carry a pocket pager, cellular telephone, or other electronic communication device while on school property and may permit any pupil to use a pocket pager, cellular telephone, or other electronic communication device, which such use is expressly and specifically permitted by the school administrator, teacher, or employee who is acting in a supervisory capacity at the time of the use.

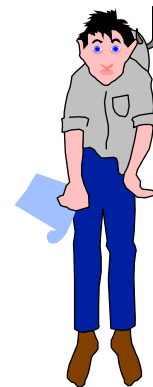
Any pupil found in violation of this section shall be subject to suspension by the board of education.

Each local board of education may adopt a local policy that pertains to pocket pagers, cellular telephones, and other electronic communication devices.

Authority: Code of Alabama (1975) §16-1-27

5. Students who violate local board of education policies concerning drugs, alcohol, weapons, physical harm to a person, or threatened physical harm to a person shall immediately be suspended from attending regular classes and shall be given a hearing not later than five school days. The decision to suspend a student shall include a review and consideration of the student's exceptional status, if applicable, under *Code of Alabama (1975), Title 16, Chapter 39*, or appropriate federal statutory or case law.

*Authority: Code of Alabama (1975) §§16-1-24.1, 16-1-24.3
Alabama Administrative Code 290-8-9-.09*



Note: This form is not required by the Alabama State Department of Education. However, it is an example of the type of information that may be needed prior to granting school exemptions.

SAMPLE

REQUEST FOR SCHOOL EXEMPTION

School System _____ Date _____

To be completed by principal:

School _____ Grade _____

Name _____ Sex _____

Birthdate _____ Age _____

Parents or
Guardian _____ Address _____

Telephone Number _____

Date Enrolled _____ Days Present _____

Days Absent _____

REASON FOR REQUEST:

To be completed by Attendance Worker:

VERIFICATION:

Principal _____

Attendance Officer

Superintendent/Designee

CHURCH SCHOOLS

CHURCH SCHOOLS

A. DEFINITION

Church schools include only such schools that offer instruction in Grades K-12, or any combination thereof including the kindergarten, elementary, or secondary level and are operated as a ministry of a local church, group of churches, denomination, and/or association of churches on a nonprofit basis which do not receive any state or federal funding.

Authority: Code of Alabama (1975) §16-28-1

B. ENROLLMENT AND REPORTING

The enrollment and attendance of a child in a church school shall be filed with the local public school superintendent by the parent, guardian or other person in charge or control of the child on a form provided by the superintendent which shall be countersigned by the administrator of the church school and returned to the public school superintendent by the parent. When the child no longer attends the church school, the parents, guardian, or other person in charge of the child shall by prior consent at the time of enrollment direct the church school to notify the local superintendent that the child is no longer in attendance.

Authority: Code of Alabama (1975) §§16-28-7, 16-28-8

Note: This form is not required by the Alabama State Department of Education. However, it is an example of the type of information required by the *Code of Alabama (1975)* relative to enrollment in church schools.

SAMPLE

| CHURCH SCHOOL ENROLLMENT FORM | |
|---|--|
| Church School _____ | Public School District _____ |
| I. TO BE COMPLETED BY PARENT OR GUARDIAN | |
| Student's Name _____ | Home Phone Number _____ |
| Home Address _____ | |
| Date of Birth _____ | SSN _____ Grade _____ |
| Parent or Guardian's Name _____ | Home Phone Number _____ |
| Home Address _____ | |
| Church School of Enrollment _____ | School Phone Number _____ |
| Address _____ | |
| Date _____ | Signature _____ |
| II. TO BE COMPLETED BY CHURCH SCHOOL ADMINISTRATOR | |
| Church School Name _____ | School Phone Number _____ |
| Address _____ | |
| Date of Enrollment _____ for _____ | School Year _____ |
| Date _____ | Signature of Church School Administrator _____ |
| III. CONSENT FOR NOTIFICATION OF STUDENT WITHDRAWAL | |
| I hereby give prior consent and direct the administrator of _____ Church School to notify the public school superintendent should the above-named student cease attendance at said school. | |
| Date _____ | Signature of Parent or Guardian _____ |
| The parent, guardian, or other person in charge or control of the child shall by prior consent at the time of enrollment direct the church to notify the local public school superintendent or his agent that said child no longer is in attendance at a church school. <i>Code of Alabama (1975), §16-28-7</i> | |

C. INSTRUCTIONS FOR PARENTS

SAMPLE

To Parent or Guardian:

The information below is to familiarize you with the church school enrollment procedures and to assist you in complying with the law. Please review the information and then complete the Church School Enrollment Form in duplicate or triplicate as the need may dictate.

The Alabama State Legislature enacted a law concerning the enrollment and attendance of children in church schools. The term “church school” shall mean and only include such schools as offer instruction in Grades K-12, or any combination thereof including the kindergarten, elementary or secondary level and are operated as a ministry of a local church, group of churches, denomination, and/or association of churches on a nonprofit basis which do not receive any state or federal funding. (*Code of Alabama (1975) §16-28-1*)

The law generally exempts the church schools from the supervision of the state but does include certain requirements concerning the enrollment and attendance of children in church schools. Specifically, the following requirements shall apply for the parents, guardians, or other person in charge or control of a child who is enrolled in a church school:

1. The enrollment and attendance of a child in a church school shall be filed with the local public school superintendent by the parent, guardian, or other person in charge or control of the child on a form provided by the superintendent or his agent which shall be countersigned by the administrator of the church school and returned to the public school superintendent by the parent, guardian, or other person in charge or control of the child.
2. The church school administrator, by prior consent of the parents, guardian, or other person in charge or control of the child at the time of enrollment, shall notify the local public school superintendent or his agent that said child no longer is in attendance at the church school.

Code of Alabama (1975) §16-28-7

Sincerely,

Joseph B. Morton
State Superintendent of Education

**PRIVATE TUTORS
(HOME STUDY)**

PRIVATE TUTORS

A. DEFINITION/REQUIREMENTS

A private tutor means and includes only instruction by a person who holds a certificate issued by the State Superintendent of Education and who offers instruction in the several branches of study required to be taught in the public schools of this state, for at least three hours a day for 140 days each calendar year, between the hours of 8 a.m. and 4 p.m., and who uses the English language in giving instruction.

Authority: Code of Alabama (1975) §16-28-5

B. ENROLLMENT AND REPORTING

1. A private tutor shall, prior to beginning the instruction, file with the county or city superintendent of education, where his place of instruction is in territory under the control and supervision of a county board, or the city superintendent of schools, where his place of instruction is in territory under the city board of education, a statement showing the child or children to be instructed, the subjects to be taught and the period of time such instruction is proposed to be given.

Authority: Code of Alabama (1975) §16-28-5

2. A private tutor shall keep a register of work, showing daily the hours used for instruction and the presence or absence of any child being instructed.

Authority: Code of Alabama (1975) §16-28-5

3. A private tutor shall report at least weekly the names and addresses of all children of mandatory school attendance age who were absent without being excused or whose absence was not satisfactorily explained.

Authority: Code of Alabama (1975) §16-28-7

4. A private tutor shall make such reports as the State Board of Education may require.

Authority: Code of Alabama (1975) §16-28-5



C. SUGGESTED FORM FOR STUDENTS INSTRUCTED BY A PRIVATE TUTOR

SAMPLE

System _____ Name of Child's Previous School _____

Full Name of the Private Tutor _____

Alabama Professional Educator Certificate Number _____

Elementary _____ Secondary _____

Name, age, and grade of the student(s) who will receive instruction:

| Name | Age | Grade |
|-------|-------|-------|
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |

State the time of day the student(s) will receive instruction: From _____ To _____

On what days of the week: Mon. ___ Tue. ___ Wed. ___ Thur. ___ Fri. ___

How many days per year? _____ THE TUTOR MUST: (1) Keep a daily lesson plan.
(2) Keep a register of attendance.

Should child or children cease to receive instruction from the tutor, the parent must notify the local superintendent for placement in a school.

Name of Parent (Please Print)

Name of Superintendent (Please Print)

Signature of Parent

Date

Signature of Superintendent

Date

NONENROLLMENT

NONENROLLMENT

A. LIST OF STUDENTS

The county or city superintendent shall upon the receipt of the report from teachers and private tutors showing the enrollment of children of mandatory school attendance age, compare and study reports with the list which has been compiled of the children who should attend each school and ascertain what children required to attend school are not enrolled.

Authority: Code of Alabama (1975) §16-28-11

B. HOW LIST PREPARED

The information required for making lists of children of the compulsory attendance ages shall be prepared by county and city superintendents of education with the assistance of attendance officers from the census booklets on file in their offices for the years in which the census is taken. In the years in which the census is not taken, such lists shall be prepared by county and city superintendents of education by supplementing and correcting the census lists from continuing census records, teachers' registers, and such additional information as may be required from attendance officers.

Authority: Code of Alabama (1975) §16-28-10

C. INVESTIGATION REQUIRED

It shall be the duty of the county superintendent of education or the city superintendent of schools, as the case may be, to require the attendance officer to investigate all cases of nonenrollment.

Authority: Code of Alabama (1975) §16-28-16

D. CRIMINAL PROSECUTION

1. In the event the investigation discloses that the nonenrollment was without valid excuse or good reason and intentional, the attendance officer shall be required to bring criminal prosecution against the parent, guardian, or other person having control of the child.

Authority: Code of Alabama (1975) §16-28-16

2. Where no valid reason for nonenrollment is found, the attendance officer shall give a written notice to the parent, guardian, or other person having control of the child. Where the parent, guardian, or person in charge or control of the child is not at his or her regular residence, the attendance officer may leave the written notice with a person over 12 years of age residing at the usual place of residence, with instructions to hand the notice to the parent, guardian, or other person having control of the child.

Authority: Code of Alabama (1975) §16-28-16

3. The written notice shall require the attendance of the child at the school within three days from date of said notice.

Authority: Code of Alabama (1975) §16-28-16

4. Each child who is enrolled in a public school shall be subject to the attendance and truancy provisions of this article except that any parent or parents, guardian or guardians who voluntarily enrolls their child in public school, who feel that it is in the best interest of that child shall have the right to withdraw the child at any time prior to the current minimum compulsory attendance age.

Authority: Code of Alabama (1975) §16-28-16(b)

5. Prosecution may be begun by the local superintendent, an attendance officer, the principal teacher, the private tutor, the probation officer or a duly authorized agent of the State Superintendent of Education or the Department of Human Resources.

Authority: Code of Alabama (1975) §16-28-22



NONATTENDANCE

NONATTENDANCE

A. ATTENDANCE REQUIRED

Every child between the ages of 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. The parent, legal custodian, or guardian of a child who is six years of age, may opt out of enrolling their child in school at the age of six years by notifying the local school board of education, in writing that the child will not be enrolled in school until he or she is seven years of age.

Authority: Code of Alabama (1975) §16-28-3

B. ABSENCES

1. EXPLANATION REQUIRED

- a. Every parent, guardian, or other person having control or charge of any child required to attend public school, private school, or church school, shall as soon as practical explain the cause of any absence of the child under his control or charge which was without permission of the teacher.

Authority: Code of Alabama (1975) §16-28-15

- b. Failure to furnish such explanation shall be admissible as evidence of such child being a truant with the consent and connivance of the person in control or charge of the child, unless such person can show to the reasonable satisfaction of the court that he had no knowledge of such absence and that he had been diligent in his efforts to secure the attendance of such child.

Authority: Code of Alabama (1975) §16-28-15

- c. A good cause or valid excuse, as used in this section, exists when on account of sickness or other condition attendance was impossible or entirely inadvisable or impracticable or when, by virtue of the extraordinary circumstances, the absence is generally recognized as excusable.

Authority: Code of Alabama (1975) §16-28-13

2. EXCUSED ABSENCES

- a. Illness.
- b. Death in immediate family.
- c. Inclement weather which would be dangerous to the life and health of the child as determined by the principal.
- d. Legal quarantine.

- e. Emergency conditions as determined by the principal.
- f. Prior permission of the principal upon request of the parent or legal guardian.

3. UNEXCUSED ABSENCES

Any absences not excused shall be considered unexcused.

C. INVESTIGATING NONATTENDANCE

1. The superintendent shall require the attendance officer to investigate all cases of nonattendance.

Authority: Code of Alabama (1975) §16-28-16

2. In the event that the investigation discloses that the nonattendance was without valid excuse or good reason and intentional, the attendance officer shall bring criminal prosecution against the parent, guardian, or other person having control of the child.

Authority: Code of Alabama (1975) §16-28-16

D. PROSECUTING

1. Where no valid reason for nonattendance is found, the attendance officer shall give written notice to the parent, guardian, or other person having control of the child. Where the parent, guardian, or person in charge or control of the child is not at his or her regular residence, the attendance officer may leave the written notice with a person over 12 years of age residing at the usual place of residence with instructions to hand such notice to parent, guardian, or other person having control of the child.

Authority: Code of Alabama (1975) §16-28-16

2. The written notice shall require the attendance of the child at the school within three days from date of the notice.

Authority: Code of Alabama (1975) §16-28-16

3. Prosecution may be begun by the local superintendent, an attendance officer, principal teacher, private tutor, probation officer, or an authorized agent of the State Superintendent of Education or the Department of Human Resources.

Authority: Code of Alabama (1975) §16-28-22

4. When the student is an habitual truant, or because of irregular attendance or misconduct has become a menace to the best interest of the school which he is attending or should attend, and the parent, guardian, or other person files a written statement in court stating that he is unable to control such child, the attendance officer must file a complaint in juvenile court against said student.

Authority: Code of Alabama (1975) §16-28-14

5. No parent, guardian, or other person having control or charge of any child shall be convicted for failure to have said child enrolled in school or for failure to send a child to school or for failure to require such child to regularly attend such school or tutor, or for failure to compel such child to properly conduct himself as a pupil, if such parent, guardian, or other person having control or charge of such child can establish to the reasonable satisfaction of the court the following:
 - a. That the principal teacher in charge of said school which he attends or should attend or the tutor who instructs or should instruct said child gave permission for the child to be absent; or
 - b. That such parent, guardian, or other person is unable to provide necessary books and clothes in order that the child may attend school in compliance with law, and that such parent, guardian, or other person had prior to the opening of the school, or immediately after the beginning of such dependency, reported such dependent condition to the juvenile court of the county and offered to turn the child over to the State Department of Human Resources as a dependent child; or
 - c. That such parent, guardian, or other person has made a bona fide effort to control such child and is unable to do so, and files in court a written statement that he is unable to control such child; or
 - d. That there exists a good cause or valid excuse for such absence; or
 - e. That such parent, guardian, or other person has made a bone fide, diligent effort to secure the regular attendance of such child and that the absence was without his knowledge, connivance, or consent.

Authority: Code of Alabama (1975) §16-28-13

E. TAKING CHILD INTO CUSTODY

1. It shall be the duty of the attendance officer, probation officer, or other officer authorized to execute writs of arrest to take into custody without warrant any child required to attend school or be instructed by a private tutor who is found away from home and not in the custody of the person having charge or control of such child during school hours and who has been reported by any person authorized to begin truancy proceedings or prosecutions.

Authority: Code of Alabama (1975) §16-28-17

2. When the attendance officer has taken a child into custody, the officer shall take the child to the person having charge or control of the child or to the principal teacher, or the child's private tutor.

Authority: Code of Alabama (1975) §16-28-17

3. If such child is an habitual truant, he shall be brought before the juvenile court for such disposition as the judge of said court finds proper from the facts.

Authority: Code of Alabama (1975) §16-28-17

ATTENDANCE REPORTING

ATTENDANCE REPORTING

A. RECORDING ATTENDANCE

1. The principal teacher of each public school, private school, church school, and each private tutor shall keep an attendance register showing the enrollment of the school and every absence of each enrolled child from school for a half day or more during each school day of the year.

*Authority: Code of Alabama (1975) §16-28-8
State Superintendent of Education
Interpretation, June 3, 1988*

- a. The roll must be checked daily and each absence recorded.

*Authority: Code of Alabama (1975) §§ 16-28-7, 16-28-8
State Superintendent of Education
Interpretation, June 3, 1988*

- b. Attendance must be recorded in compliance with applicable federal/state legislation, State Board of Education mandates, State Department of Education requirements, and local board of education policies.

*Authority: Code of Alabama (1975) §§ 16-28-7, 16-28-8
State Superintendent of Education
Interpretation, February 8, 1990*

- c. Students must be in attendance one-half of the instructional day to be counted and reported present.

*Authority: Code of Alabama (1975) § 16-28-8
State Superintendent of Education
Interpretation, August 30, 1983*

- d. Students shall be enrolled at such time as they enter the school for enrollment and attendance purposes. No student should be enrolled on the basis of prior attendance or preregistration.

- e. Students should be withdrawn from membership on the day following the student's last day of attendance.

- f. Withdrawal is official when one or more of the following occurs:

- (1) The parent, guardian, or other person having care or control of the student notifies the school that he or she is leaving the school permanently.
- (2) The school official determines that the individual has moved or left school permanently.

*Authority: Acting State Superintendent of Education
September 5, 1995*

2. The registry of attendance of pupils kept by any public school, private school, church school, or private tutor in compliance with the provisions of law or any rule and regulation promulgated by the State Board of Education shall be admissible as evidence of the existence or nonexistence of the facts it is required to show.

Authority: Code of Alabama (1975) §16-28-23

B. WEEKLY UNEXCUSED REPORT

The principal teacher shall submit weekly to the local superintendent the names of all children between the ages of seven and seventeen who were absent without being excused or whose absence was not satisfactorily explained.

Authority: Code of Alabama (1975) §16-28-7

SAMPLE

WEEKLY UNEXCUSED STUDENT ABSENTEE REPORT

SCHOOL _____ WEEK OF _____ TO _____

| STUDENT NAME | GRADE | NO. OF UNEXCUSED ABSENCES* | PARENT/GUARDIAN | ADDRESS | PHONE NO. |
|--------------|-------|----------------------------|-----------------|---------|-----------|
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |

Date Received _____

Principal

*All absences not excused as specified in the Teacher's/Attendance Register should be entered in this column. _____

Date

Code of Alabama (1975) §16-28-7

C. REPORT CARDS

Student report cards should reflect the total number of days students are absent from school and/or classes; therefore, accurate attendance must be placed on each student's report card. It is recommended that each system develop a standardized procedure for reporting attendance on report cards.



TEMPORARY CLOSING OF SCHOOLS

TEMPORARY CLOSING OF SCHOOLS

A. REPORTING

In the event of a natural disaster or an epidemic, it may be necessary to temporarily close a given school. When the school resumes classes, the calendar dates will reflect the dates school is actually in session. This normally will be a period of twenty days. At the designated time, the principal should forward the attendance report to the superintendent. Any anticipated delay in attendance reporting should be reported to the State Department of Education.

B. SCHOLASTIC DAY

A scholastic day shall not be less than six hours unless otherwise ordered by the county or city board of education.

Authority: Code of Alabama (1975) §16-1-1(1)



C. MINIMUM NUMBER OF DAYS MISSED

Any days missed must be made up to account for the minimum requirement of 180 student days as specified in the *Code of Alabama (1975)*.

*Authority: Code of Alabama (1975) §16-13-231(1)(c)
Alabama Administrative Code: 290-3-1-02(2)(a)(1)*

DROPOUTS

DROPOUTS

A. A DROPOUT IS AN INDIVIDUAL WHO:

1. Was enrolled in school at some time during the previous year and was not enrolled on October 1 of the current school year; or
2. Was not enrolled on October 1 of the previous school year although expected to be in membership (i.e., was not reported as a dropout the year before); and
3. Has not graduated from high school or completed a state-approved educational program; and
4. Does not meet any of the following exclusionary conditions:
 - a. Transfer to another public school district, private school, church school, or state-approved educational program (including correctional or health facility programs); or
 - b. Temporary school-recognized absence due to suspension or illness; or
 - c. Death.

B. SUMMARY OF SCHOOL LEAVER STATUS

This list shows which situations comprise dropping out and which do not.

| A STUDENT WHO: | IS A DROPOUT? |
|---|---------------|
| 1. Graduated. | No |
| 2. Completed a state approved secondary education program for students not addressing regular diploma graduation or school completion requirements. | No |
| 3. Was in membership only during summer following the school year. (Not in membership by definition.) | No |
| 4. Left school after passing age to which district must provide free public education. | Yes |
| 5. Died. | No |
| 6. Has not graduated, completed an approved program, or died, <u>and</u> educational status subsequent to leaving school is unknown. | Yes |
| 7. Moved out of district or out of state and is not known to be in school. | Yes |
| 8. Transferred to and is in membership in: | |
| a. Another public school in district, or public school system, in or out of state. | No |
| b. Private elementary or secondary school, in- or out-of-state. | No |

- c. Early college (baccalaureate or associate’s degree credit) admission before receiving high school diploma. No
- d. Adult education program in a postsecondary school. Yes
- e. Enrolled in a church school or registered with a private tutor. No
- 9. Is in an institution that does not offer a *secondary* educational (Army, possibly Job Corps, corrections or vocational) program. Yes
- 10. Is in district and not in school:
 - a. Not yet in membership but family has indicated late enrollment (e.g., seasonal work demands). No
 - b. Temporarily absent because of illness:
 - (1) Verified as legitimate. No
 - (2) Not verified as legitimate. Yes
 - c. Long-term absence because of illness and not receiving educational services (e.g., residential drug treatment center, severe physical or emotional illness). No
 - d. Absent because of disciplinary action:
 - (1) Suspended or expelled with option to return and suspension or expulsion period not yet over. No
 - (2) Suspended or expelled and period has expired, student not returned. Yes
 - (3) Expelled; no option to return. Yes
 - (4) Expelled; transferred to and in membership in another school or district. No
- 11. Is in alternative education setting (e.g., hospital/homebound instruction; special education residential; correctional institution; community or technical college):
 - a. Program administered by agency considered a special school district or extension of a regular school district. No
 - b. Program is off-campus offering of regular school district. No
 - c. Program not approved or administered by district; program classified as adult education. Yes

C. SUMMER DROPOUTS

Summer dropouts are assigned to the grade and year for which they fail to report or did not pass all sections of the Summer Alabama High School Graduation Exam.

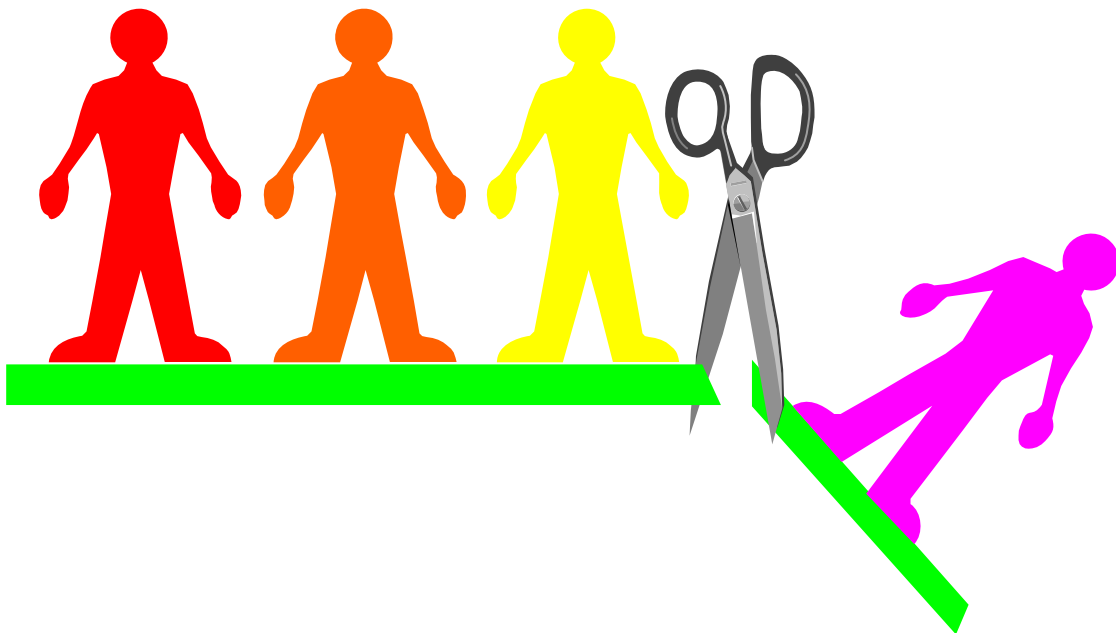
*Authority: Dropout Rates in the United States, Page 22
U. S. Department of Education
National Center for Statistics (NCES)
Office of Education Research and Improvement
NCES 2008-353rev*

D. STUDENT EXIT INTERVIEW

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

- (1) Written consent is granted by the child's parent or legal guardian.
- (2) An exit interview is conducted where the student and the student's parent or legal guardian have been advised that withdrawal from school shall likely reduce the student's future earning potential and increase the student's likelihood of being unemployed in the future.

Authority: Code of Alabama (1975) §16-28-3.1



SAMPLE

Student Exit Interview

School System: _____ Date: _____

School: _____

Student Name: _____
First Middle Last

Student Grade: _____ Date of Birth: _____ Student ID Number: _____

Participants of the Student Exit Interview:

___ Discussed the student's reason(s) for dropping out of school.

- | | | |
|---------------------------------------|---------------------------------------|------------------------------|
| ___ Failed AHSGE | ___ Relationship With Fellow Students | ___ Student-Staff Relations |
| ___ Academic Difficulties/Credit Loss | ___ Dislike of School Experience | ___ Language Difficulty |
| ___ Behavior Problems | ___ Employment | ___ Entered Military Service |
| ___ Physical Illness | ___ Needed at Home | ___ Attendance Issues |
| ___ Marriage | ___ Parental Influence | ___ Other _____ |

- ___ Discussed intervention strategies previously provided by school faculty/staff. (Describe strategies below.)
- ___ Provided information regarding the negative impacts of not receiving a high school diploma, which seriously affects future employment and earning potential.
- ___ Explained other negative consequences such as losing his/her driver's license.
- ___ Discussed other options and opportunities provided through school programs or classes. (Describe options below.)
- ___ Provided information for other available community programs. (Identify below.)
- ___ Explained other possible educational opportunities for students such as private school, church school, private tutor, or community college.

Explanations of intervention strategies, other options provided, and available community programs.

GED/Community College information was provided to student. ___ Yes ___ No
Will student take the GED? ___ Yes ___ No ___ Uncertain

If yes, where does he/she plan to attend? _____

I acknowledge that I have been advised of the importance of staying in school and staying in school to receive my high school diploma.

I acknowledge that I have been advised of the importance of staying in school and keeping my child in school to receive his/her high school diploma.

Student Signature: _____

Parent/Guardian Name: _____

Address: _____

Signature: _____

Telephone: _____

Telephone: _____

Interview Participants:

| | | |
|-------------|-----------------|------------------|
| Name: _____ | Position: _____ | Signature: _____ |
| Name: _____ | Position: _____ | Signature: _____ |
| Name: _____ | Position: _____ | Signature: _____ |
| Name: _____ | Position: _____ | Signature: _____ |

For a student who failed to return to school or did not officially withdraw, describe attempts to contact the student and his/her parent or guardian.

Principal Name Signature Date

I acknowledge that an exit interview was conducted and the student and the student's parent or legal guardian have been advised that withdrawal from school shall likely reduce the student's future earning potential and increase the student's likelihood of being unemployed in the future.

Principal Name Signature Date

**ATTENDANCE/PROMOTION/
RETENTION**

ATTENDANCE RELATED TO PROMOTION/RETENTION

Q. How is admission to public schools determined?

- A. 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.

Authority: Code of Alabama (1975) §16-28-3

Q. Who is required to attend school?

- A. Every child between the ages of 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. The parent, legal custodian, or guardian of a child who is six years of age, may opt out of enrolling their child in school at the age of six years by notifying the local school board of education, in writing that the child will not be enrolled in school until he or she is seven years of age.

Authority: Code of Alabama (1975) §16-28-3

Q. What is the minimum age for admission to public schools?

- A. a. A child who is six years of age on or before September 1 (2)* 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.
- b. A child who becomes six years old on or before February 1 may, with the approval of the local board of education, be admitted at the beginning of the second semester in school systems having semiannual promotions of pupils.
- c. A child who is five years of age on or before September 1 (2)* or the date on which school begins in the enrolling district is entitled to admission to the kindergarten program at the beginning of the school year or as soon as practicable thereafter.
- d. Kindergarten or Grade 1 students who were enrolled in an Alabama private school, church school, or were being tutored in accordance with the *Code of Alabama (1975)* and who seek admission to kindergarten or Grade 1 in the public schools must meet the age requirements for admittance as of September 1 (2)* or the opening date of school in the enrolling district.

*Authority: Code of Alabama (1975) §16-28-4
Report of Attorney General of Alabama
October-December 1963
Volume 113, page 20*

Q. What are the requirements for Kindergarten and Grade 1 out-of-state transfers?

- A.**
- a. An underage child who transfers from the first grade of a school in another state may be admitted, but must have the approval of the local board of education.
 - b. An underage child who has moved into this state and has completed a mandated kindergarten program in another state shall be entitled to admission to the public elementary school.
 - c. An underage child who transfers to Alabama from the public school kindergarten in another state may be admitted, but must have prior approval of the local board of education.

Authority: Code of Alabama (1975) §16-28-4

Q. How are attendance districts adopted?

- A.** The county or city superintendent, as the case may be, shall recommend a plan for the laying out of local attendance districts and shall submit this plan for approval and adoption by the county or city board of education. Students shall be assigned to the schools within the attendance district according to local board policies, court order or applicable state laws, and/or State Board of Education mandates.

Authority: Code of Alabama (1975) §§16-9-17, 16-28-19, 16-8-34

Nonattendance

Q. What state regulations relate to required school and absences from state schools?

- A.** A. Attendance Required

Children between the ages of six and 17 years are 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 every child attending a church school as defined by Alabama law (*Ala. Code §16-28-1*) is exempt from this requirement, provided such child has met the requirements as specified for enrollment and reporting.

- B. Absences

1. Explanation Required

a. Every parent, guardian, or other person having control or charge of any child required to attend public school, private school, or church school, shall as soon as practical explain the cause of any absence of the child under his control or charge which was without permission of the teacher.

b. Failure to furnish such explanation shall be admissible as evidence of such child being a truant with the consent and connivance of the person in control or charge of the child, unless such person can show to the reasonable satisfaction of the court that

he had no knowledge of such absence and that he had been diligent in his efforts to secure the attendance of such child.

Authority: Code of Alabama (1975) §16-28-15

2. Excused Absences

- a. Illness.
- b. Death in immediate family.
- c. Inclement weather which would be dangerous to the life and health of the child as determined by the principal.
- d. Legal quarantine.
- e. Emergency conditions as determined by the principal.
- f. Prior permission of the principal upon request of the parent or legal guardian.

3. Unexcused Absences

Any absences not excused shall be considered unexcused.

Authority: Code of Alabama (1975) §16-28-13, §16-28-15

Q. Can a student be retained in a grade merely because of a certain number of excused absences?

A. No. Excused absences (e.g., for illness) imply that the absences will not be counted against the student.

Q. Can a student be retained in a grade merely because of a certain number of unexcused absences?

A. Yes, assuming the school board has, and carefully complies with, a policy relating attendance to academic achievement.

Q. Can academic sanctions (grade penalties) be imposed upon a student after a certain number of excused or unexcused absences?

A. Yes, in the case of unexcused absences and no in the case of excused absences because the implication is that the school system has agreed to the absence of a child under certain conditions.

Q. Can a student be retained or academic sanctions imposed after the student exceeds a certain number of excused or unexcused absences if the student is otherwise academically succeeding in the particular course?

A. Yes, in the case of unexcused absences and no in the case of excused absences, but once again, the school system must have publicized and faithfully complied with a policy that equates academic achievement with attendance.

*Alabama Attorney General's Opinion, 89-115
January 10, 1989*

TRUANCY

A. PARENTAL NOTIFICATION OF COMPULSORY SCHOOL ATTENDANCE LAWS

1. RECOMMENDATION:

It is important that parents be advised of attendance laws, regulations, and policies. This letter to parents on Alabama school attendance laws may be used. However, other methods of parental notification of attendance policies and laws may be used (e.g., handbooks). Parental receipt of attendance notification should be maintained on file at the local school.

2. Recommended policies and procedures for school truancy prevention programs or for juvenile court referral for truancy.

SAMPLE

Dear Parents:

Alabama law requires all children between the ages of seven and seventeen to attend school. If any child fails to attend school without legal excuse, that child and the person having custody of that child will be referred to the juvenile court.

Any child who is prosecuted for truancy may be placed in a juvenile facility or in long-term residential care. Any custodial adult who is prosecuted for failing to require a child to attend school may be jailed for up to one year or fined up to \$500 or both.

A free public education is one of the greatest benefits available to the children of our state. Please ensure that your child achieves his or her full potential by attending school regularly.

Sincerely,

I have read the above letter and am fully aware of my responsibility to see that my child attends school daily and of the penalty for my failure to do so.

Signature of Parent or Guardian

Signature of Parent or Guardian

Date

B. TRUANCY REPORTING

Truancy Definition.

A parent, guardian, or other person having charge of any child officially enrolled in Alabama public schools (K-12) shall explain in writing the cause of any and every absence of the child no later than three (3) school days following return to school. A failure to furnish such explanation shall be evidence of the child being truant each day he is absent. The child shall also be deemed truant for any absence determined by the principal to be unexcused based upon the State Department of Education's current School Attendance Manual. Seven unexcused absences within a school year constitute a student being truant for the purpose of filing a petition with the Court. The Interagency Committee on Youth Truancy Task Force recommendations known as the Early Warning Truancy Prevention Program timeline for reporting truancy shall define the truancy status of any student as follows:

1. First truancy/unexcused absence (warning)
 - (i) Parent/guardian shall be notified by the school principal or his/her designee that the student was truant and the date of the truancy.
 - (ii) Parent/guardian shall also be provided with a copy of Alabama's compulsory school attendance laws and advised of the penalties that can be applied and the procedures that shall be followed in the event that other unexcused absences occur.
2. No earlier than the fifth unexcused absence (conference)
 - (i) The parent, guardian, or person having control of the child shall (1) attend a conference with the attendance officer and principal or his/her designee and/or (2) participate in the early warning program provided by the juvenile court.
 - (ii) Attendance at one of these conferences shall be mandatory except where prior arrangements have been made or an emergency exists.
 - (iii) Failure to appear at the school conference and/or to appear at the early warning program shall result in the filing of a complaint/petition against the parent under *Code of Ala. 1975, §16-28-12(c)* (failure to cooperate), or a truancy against the child, whichever is appropriate.
3. No earlier than seventh unexcused absence, but within ten (10) school days (court)
 - (i) File complaint/petition against the child and/or parent/guardian, if appropriate.
4. Child under probation
 - (i) The school attendance officer should be notified by the juvenile probation officer of all children in the school system under probation supervision by the juvenile court as consistent with state statute, *Code of Ala. (1975)*.
 - (ii) Where a child under probation is truant, the school attendance officer should immediately notify the juvenile probation officer.
5. Any local education agency may adopt a policy more rigorous than the State policy.

Authority: Alabama Administrative Code 290-3-1-.02(7)(c)

C. TRUANCY REFERRAL PROCEDURE

RECOMMENDATION: The Interagency Committee on Youth Truancy Task Force recommends the following Truancy Referral Procedure. However, the juvenile judge and the local education authorities should establish procedures to be followed when entering a complaint/petition in the courts.

SAMPLE

Truancy Referral Procedure

The following procedures shall be used in making truancy referrals to the Juvenile Court of _____ County:

Juvenile Truancy Referrals:

Where a child has been truant from school, the school attendance officer shall file a truancy information sheet and a complaint with the juvenile court intake office.

The juvenile court intake office is located at _____

_____ Telephone No. _____

The juvenile court intake officer will review the complaint with the school attendance officer and will prepare a juvenile intake petition for the school attendance officer's signature.

Recommended Policies and Procedures for Court/School Truancy Prevention Program:

The juvenile probation department will advise the school attendance officer of the status of all truancy complaints and the disposition of such cases.

Adult Proceedings:

Prior to filing any action against a parent or guardian of a truant child, the school attendance officer must give the parent or guardian written legal notice of the laws of Alabama regarding compulsory school attendance and the range of penalties which may be invoked against the parent or guardian. The parent or guardian must be advised that the child must attend school within three days and that, after this period, any additional unexcused absence will result in the filing of a petition alleging contributing to the delinquency of a minor.

Where action is to be taken against a parent or guardian, the school attendance officer will complete an adult truancy charge sheet and will swear out a formal complaint before the juvenile intake officer. If probable cause is determined, the intake officer will issue a warrant of arrest for the parent/guardian.

If you have any questions concerning the filing of truancy cases in the Juvenile Court of _____ County, please call the juvenile intake office.

D. COMPLAINT INFORMATION

When it becomes necessary to file a complaint with the juvenile courts, a form such as the sample below may be required by the court.

SAMPLE

| | | |
|--|---------------------------------------|-------------------|
| State of Alabama Unified Judicial System Form JU-2 Rev. 01/09 | <h2 style="margin: 0;">COMPLAINT</h2> | Case Number _____ |
| IN THE JUVENILE COURT OF _____ COUNTY , ALABAMA | | |
| In the Matter of a Child: Child's Name _____ Nickname _____ Address _____ Lives With _____ Relationship _____ Phone _____ Date of Birth _____ Place of Birth _____ Verified By _____ Race _____ Sex _____ Height _____ Weight _____ Eye Color _____ Hair Color _____ Social Security Number* _____ School _____ Grade _____ Employer _____ Child's Father _____ Home Phone _____ Work Phone _____ Address _____ Child's Mother _____ Home Phone _____ Work Phone _____ Address _____ Custodian _____ Home Phone _____ Work Phone _____ Address _____ | | |
| Alleged Violation or Incident _____ Date Occurred _____ Category: <input type="checkbox"/> Delinquent <input type="checkbox"/> Dependent <input type="checkbox"/> Child In Need of Supervision (CHINS) Law Enforcement Agency Involved (Name) _____ (Case Number) _____ Documents attached and incorporated into this Complaint by reference: (check all that apply) <input type="checkbox"/> Incident/Offense Report <input type="checkbox"/> Supplemental I/O Report <input type="checkbox"/> Arrest Report <input type="checkbox"/> Traffic Ticket/Complaint (UTTC) <input type="checkbox"/> Additional pages <input type="checkbox"/> Other (describe) _____ Facts and Circumstances: (For a delinquency or CHINS complaint, include the date, time, place, co-defendants and ages, victim information, approximate value of property taken/damaged/received, and description of the specific offense committed. For a dependency complaint, identify the abuse, neglect or inadequate care suffered by the child, the extent of any injury, the name and relationship of the person responsible for the abuse, neglect or inadequate care of the child.) _____ _____ _____ | | |
| Complainant's Name (Printed) _____ Phone(s) _____ Address or Agency _____ I swear or affirm that I have knowledge of the facts set forth in this Complaint or am informed of them and believe that they are true. Further, I agree to sign a formal petition and testify in court if necessary to substantiate this complaint. Complainant's Signature _____ Date _____ SWORN TO AND SUBSCRIBED BEFORE ME: _____ <div style="display: flex; justify-content: space-between; width: 100%;"> Date Intake Officer or Notary Public </div> | | |
| COMPLAINT RECEIVED: _____ <div style="display: flex; justify-content: space-between; width: 100%;"> Date Time Intake Officer </div> ACTION TAKEN: Rule 12, ARJP; Ala. Code §§12-15-118(1), 12-15-120(A) (2009) | | |

*Social Security Number is optional. All other fields must be completed, even if the information is unknown to you ("unknown" or "?") or does not apply to this complaint ("n/a").

E. NOTICE OF NONCOMPLIANCE

RECOMMENDATION: The NOTICE OF NONCOMPLIANCE with Alabama Compulsory Attendance Law as found in the *Recommended Policies and Procedures for Court/School Truancy Prevention Programs* is an example of notification.

SAMPLE

**NOTICE OF NONCOMPLIANCE WITH
ALABAMA COMPULSORY ATTENDANCE LAW**

School System _____ School _____

To _____ Parent/Guardian of _____

TAKE NOTICE, pursuant to the *Code of Alabama, (1975) §16-28-16* that:

1. No valid reason for nonenrollment or nonattendance of your child/children at school has been found. State law, *Code of Alabama (1975) §16-28-3*, requires all children between the ages of six and 17 to attend school. It is your responsibility under the law to ensure the attendance of your child/children.
2. Your child/children must attend school within three days from the date of this notice.
3. If your child/children miss(es) one more day of school without valid excuse or good reason and intentionally, I am required by state law and school board policy to bring criminal prosecution against you.
4. If criminal prosecution occurs, you will be charged with violation of the *Code of Alabama (1975) §16-28-12* contributing or causing the delinquency or dependency of a minor. This offense is punishable by a fine of up to \$100 or a sentence to hard labor for the county for a period not to exceed 90 days or both.

Date

Attendance Supervisor

F. TRUANCY CHARGE SHEET-ADULT

When action is to be taken against a parent or guardian, the school attendance officer will complete an Adult Truancy Charge Sheet provided by the court similar to the one below.

SAMPLE

TRUANCY CHARGE SHEET - ADULT

1. Name of person charged with failing to assure that the child or children attended school:

2. Relation to the child? Parent _____ Other _____
3. Name of child or children who failed to attend school:
Name _____ Age _____ Sex _____
Name _____ Age _____ Sex _____
4. Mother's Name: _____ Phone (H) _____
Address: _____ (W) _____
5. Father's Name: _____ Phone (H) _____
Address: _____ (W) _____
6. Guardian's Name: _____ Phone (H) _____
Address: _____ (W) _____
7. Child(ren) lives with: Mother _____ Father _____ Both _____ Other _____
8. What school does the child(ren) attend:
Name: _____ School _____ Grade _____
Name: _____ School _____ Grade _____
9. Name of person in charge of records for the school(s):
School _____ Name _____
School _____ Name _____
10. Number of unexcused absences this school year:
Name _____ No. of Unexcused Absences: _____
Name _____ No. of Unexcused Absences: _____
11. Has the person to be charged been given notice of noncompliance with the compulsory school attendance law? Yes ___ No ___
Date served _____ Place of service _____
Response to notice: _____
12. Is there a history of failing to attend school for this child or children? Yes ___ No ___
If yes, explain: _____

13. Has this person been charged before? Yes ___ No ___
14. Additional comments: _____

15. Witness List:
School Attendance Officer: _____
Principal: _____
Other: _____
Summons approved by: _____

Date Prepared: _____ School Attendance Officer: _____

School System _____ School _____

G. TRUANCY CHARGE SHEET- JUVENILE

When action is to be taken against a juvenile, the school attendance officer will complete a Juvenile Truancy Charge Sheet provided by the court similar to the one below.

SAMPLE

TRUANCY CHARGE SHEET - JUVENILE

1. Name of Child: _____
 2. Child lives with: Mother _____ Father _____ Both _____ Other _____
 3. Mother's Name: _____ Phone (H) _____
Address: _____ (W) _____
 4. Father's Name: _____ Phone (H) _____
Address: _____ (W) _____
 5. Guardian's Name: _____ Phone (H) _____
Address: _____ (W) _____
 6. What school does the child attend: School _____ Grade: _____
 7. Name of person in charge of attendance records for the school:
Name: _____ School: _____
 8. Number of unexcused absences this school year: _____
 9. Is there a history of failing to attend school for this child? Yes _____ No: _____
If yes, explain: _____
 10. Has a complaint for truancy been filed before? Yes _____ No _____
 11. Are charges being filed against the parent(s) or guardian for failing to assure the child attend school? Yes _____ No _____
 12. Has the person to be charged been given a notice of noncompliance with the compulsory school attendance law? Yes _____
No _____ Date of service: _____ Place of service _____
Response to Notice: _____
 13. Has this person been charged before? Yes _____ No _____
 14. Additional comments: _____

 15. Witness list:
School Attendance Officer: _____
Principal: _____
Other _____
- Date Prepared: _____ School Attendance Officer _____
- School System _____ School _____

H. MONITORING ATTENDANCE

RECOMMENDATION: The courts may order that a student's attendance be monitored. It may be helpful to utilize a form such as the following:

SAMPLE

_____ Board of Education
ADDRESS
City, State, Zip

Telephone _____

Date _____

Dear _____,
(Principal)

The Juvenile Court has ordered the _____ Board of Education to furnish a weekly school attendance record of _____
(Name of Student)

_____ (School)
for _____ consecutive weeks following the Court Order of _____ unless there are further orders from the court.
(Date)

These reports shall be prepared on Friday of each week and forwarded to the Central Office. Attendance Records Forms are enclosed for your convenience in reporting.

Sincerely,

Office of the Superintendent

Attendance Supervisor

MISSING CHILDREN

MISSING CHILDREN

In the event a teacher, parent, student, or other school employee thinks he or she recognizes a child from a "missing children" poster, he or she should follow the procedures below in reporting missing children.

REPORTING MISSING CHILDREN

1. Report suspicion **immediately** to the school principal.
2. **Do not** attempt to investigate the matter. **Do not contact the persons listed on record as parent or guardian.**
3. The principal or his/her designee should notify the school attendance supervisor. If time appears to be a factor, contact the Department of Public Safety, Missing Children Bureau, at 1-800-228-7688. The Bureau will contact the appropriate persons. The person making the report may wish to contact the State Department of Education by calling (334) 242-9700.
4. Once advised of the recognition, the principal or designee should have school records pertaining to the child. The Bureau will begin an investigation and will contact the school for coordinated assistance.
5. In the event it is necessary to make a report at night or on a weekend, the toll-free WATTS number, 1-800-228-7688, is operational 24 hours a day, seven days a week. After normal office hours, the toll-free WATTS number is manned by personnel from the Department of Public Safety, Headquarters Communications unit. If the toll-free WATTS number is not accessible, the regular telephone number for Headquarters Communications is (334) 242-4378.
6. Remember, the abduction of a child is a felony - even by natural parents who do not have legal custody. **When reporting to the Bureau, the person making the report is not required to identify himself. Merely discussing a suspicion may be all that is necessary.**

Authority: Code of Alabama (1975), §26-19-9



MEGAN'S LAW

A. FEDERAL LAW

The laws commonly known as Megan's Law are basically amendments to the *Jacob Wettering Crimes Against Children Act, 42 U.S.C., §14071*. It sets out guidelines for registering sexually violent offenders or those who commit criminal offenses against minors. Under this statute, states must obtain fingerprints and a photograph of the offender. Such information is then forwarded to the FBI. States must inform offenders that they have 10 days to report a change of address to the appropriate state agency in his/her new location. Offenders must register for a least 10 years from release from prison, parole, or probation for the violation. The state must release relevant information about individual offenders that is necessary to protect the public.

*Authority: Jacob Wettering Crimes Against Children Act of 1994
Amended: 42 U.S.C. §13071*

B. CODE OF ALABAMA (1975)

If any person, except a delinquent child, as defined in Section 12-15-1, residing in Alabama, has heretofore been convicted, or shall be convicted in any state or municipal court in Alabama, or federal court, or so convicted in another state in any court having jurisdiction similar to the jurisdiction of state and municipal courts in Alabama for any of the offenses hereinafter enumerated, such person shall, upon his or her release from legal custody, register with the sheriff of the county of his or her legal residence within seven days following such release or within 30 days after September 7, 1967, in case such person was released prior to such date.

Any person having been so convicted shall upon moving his legal residence from one county to another register with the sheriff of the county to which he has moved within seven days after such removal. It shall be unlawful for a convicted sex offender as described in this article to fail or refuse to register as required in this section and failure to do so is a Class C felony.

Authority: Code of Alabama (1975) §13A-11-200

C. INTERNET RESOURCES

The Internet has become a very valuable resource that cannot be overlooked. One area where the speed with which information can be accessed could save lives is missing and exploited children. The ability to know who is in the community or to instantly publish photographs of missing children across the country cannot be accomplished through any other media.

The following World Wide Web addresses are only two of the many available to educators:

1. National Center for Missing and Exploited Children: <http://www.missingkids.com> or <http://www.dps.alabama.gov/ABI/children.aspx>
2. Alabama Criminal Sex Offenders: <http://community.dps.alabama.gov>

ATTENDANCE OFFICERS

ATTENDANCE OFFICERS

A. EMPLOYMENT OF ATTENDANCE OFFICERS

The county board of education shall arrange the county, exclusive of cities, into one or more attendance districts and said board shall appoint an attendance officer for every district created and the board of education of each city having a city board of education shall appoint one or more attendance officers. City and county boards of education and county commissioners may jointly employ any person or persons to serve as an attendance officer.

Authority: Code of Alabama (1975) §§16-28-19 and 16-12-18

The Interagency Committee on Youth Truancy Task Force recommended the following ratio of attendance officers to students:

| Enrollment | Number of Attendance Officers |
|--------------------------------|---|
| Less than 5,000 students | One half-time attendance officer |
| 5,000 students | One full-time attendance officer |
| 5,000 + students | One additional attendance officer for each 5,000 students and multiples thereof |

NOTE: The Alabama Association for Prevention, Attendance and Support Services urges that the State Superintendent of Education strongly encourage that this recommendation be followed consistently by all local education agencies of the state of Alabama.

B. CERTIFICATE REQUIRED

No person shall be employed in the public schools of the state as an attendance officer unless such person holds a certificate issued by the State Superintendent of Education.

Authority: Code of Alabama (1975) §16-23-1

C. COMPENSATION

Attendance officers shall be paid as other employees of the board of education, but no attendance officer shall receive any compensation until he shall have filed reports as required by the State Board of Education and by the local board of education employing him.

Authority: Code of Alabama (1975) §16-28-20

D. ANNUAL REPORT REQUIRED

The attendance office shall keep an accurate record of all notices served, all cases prosecuted and all other services performed and shall make an annual report of the same to the county board of education or to the city board of education by whom he is employed.

Authority: Code of Alabama (1975) §16-28-18

CHILD LABOR

CHILD LABOR

Every school attendance officer shall report to the Department of Industrial Relations all violations of the laws pertaining to Child Labor.

Authority: Code of Alabama (1975) §25-8-53

A. WORK PERMITS

The head administrator, counselor, or, if home schooled an instructor of the school which the minor attends, shall issue Eligibility to Work forms. No person employed by any person, employing minors may issue an Eligibility to Work form.

An Eligibility to Work form shall allow the employment of a person 14 or 15 years of age who is doing satisfactory school work to work only outside school hours or during vacation periods, and only in occupations not prohibited by this chapter for persons of these ages.

Authority: Code of Alabama (1975) §25-8-46

The person authorized to issue an Eligibility to Work form shall not issue any form unless the minor personally makes application to him or her, and until he or she receives, approves, and files the following papers duly executed:

1. A written statement of the person, firm, or corporation into whose service the minor is to enter to the effect that he or she intends to employ the minor. The statement shall give the nature of the occupation and the job duties for which the minor is to be employed.
2. If the person is under 16 years of age and is to work outside school hours on school days, a school record signed by the principal or teacher of the school attended by the person to the effect that he or she is a regular attendant at school and is performing satisfactory school work.
3. One of the following evidences of age, establishing the fact that the person is of legal minimum age for the job in which he or she is to be employed, is required, preferably, in order designated:
 - a. A certified copy of the person's birth certificate.
 - b. A certified copy of the person's baptismal record showing the date of birth and place of baptism.
 - c. A bona fide contemporary Bible record of birth.
 - d. A life insurance policy which has been in force for at least one year.
 - e. A passport or certificate of arrival in the United States which shows the age of the person.
 - f. Any valid driver's license from any state that has a photograph and displays the date of birth of the person to whom it was issued.

g. If, in any instance, the issuing officer authorized to issue the permit is satisfied that none of the above proofs of age can be produced and the parent, guardian, or custodian makes an affidavit that none of the above proofs of age can be produced by them, the issuing officer may use the minor's school record of age in conjunction with an affidavit of age sworn to by the parent, guardian, or custodian of the person and authorization from a child labor inspector.

4. A statement signed and dated by the parent or guardian stating the minor's age and date of birth and approval of the employment duties as described by the prospective employer.

The issuing officer may administer oaths for affidavits establishing age.

Authority: Code of Alabama (1975) §25-8-47

B. TIME RESTRAINTS

1. No person 14 or 15 years of age shall be employed or allowed to work for more than six days in any one week or more than 40 hours in any one week, or for more than eight hours in any one day, or before 7:00 a.m. or after 9:00 p.m. during school summer vacation. During the time school is in regular session, no person 14 or 15 years of age shall be employed or allowed to work for more than six days in any one week, or for more than eight hours on a non-school day, or more than three hours on a school day, or for more than 18 hours in any school week, and not before 7:00 a.m. or after 7:00 p.m.
2. No person 16, 17, or 18 years of age, who is enrolled in any public or private primary or secondary school system, shall work between 10:00 p.m. and 5:00 a.m. on any night preceding a school day. The county or city superintendent of schools or headmaster, in the absence of a superintendent, may grant exemptions to the above time restraints when the circumstances are found to be in the best interest of the minor. Any exemptions granted shall be transmitted to the child labor inspector on a form authorized by him or her.

Authority: Code of Alabama (1975) §25-8-36

C. EMPLOYMENT DURING SCHOOL HOURS

1. No person under 16 years of age shall be employed, permitted, or suffered to work in any occupation during the hours in which the public schools of the district in which the person resides are in session, unless the minor has completed the course of study required for secondary schools. Persons 14 or 15 years of age, when school attendance has been waived, may, upon recommendation of the local superintendent of education and approval by the child labor inspector, be permitted to work in a non-hazardous occupation.
2. Employment authorized by this section shall not be for more than eight hours in any one day, or for more than 40 hours in any one week, or for more than six days in any one week, and not before 7:00 a.m. or after 9:00 p.m.

Authority: Code of Alabama (1975) §25-8-37

**ATTENDANCE/DRIVER'S LICENSE/
LEARNER'S PERMIT**

ATTENDANCE/DRIVER'S LICENSE/LEARNER'S PERMIT

A. DENIAL OF DRIVER'S LICENSE OR LEARNER'S LICENSE

1. The Department of Public Safety shall deny a driver's license or a learner's license for the operation of a motor vehicle to any person under the age of 19 who does not, at the time of application, present a diploma or other certificate of graduation issued to the person from a secondary high school of this state or any other state, or documentation that the person:
 - a. Is enrolled and making satisfactory progress in a course leading to a General Educational Development (GED) certificate from a state-approved institution or organization, or has obtained the certificate;
 - b. Is enrolled in a secondary school of this state or any other state;
 - c. Is participating in a job-training program approved by the State Superintendent of Education;
 - d. Is gainfully and substantially employed;
 - e. Is a parent with the care and custody of a minor or unborn child;
 - f. Has a physician certify that the parents of the person depend on him/her as their sole source of transportation; or
 - g. Is exempted from this requirement due to circumstances beyond his or her control.

Authority: Code of Alabama (1975) §16-28-40

B. LOCAL EDUCATION AGENCY (LEA) RESPONSIBILITIES

1. The school system shall provide adequate information to each student concerning the rights, penalties, and guidelines provided in this legislation.
2. The superintendent or his designee shall, upon request of the student, provide and complete Part I of the Student Enrollment/Exclusion Status form to indicate enrollment status for any student 15 to 19 years of age. Enrollment status means the student is:
 - a. Enrolled in a public school;
 - b. Enrolled in a General Educational Development (GED) program;
 - c. Enrolled in a job-training program approved by the State Superintendent of Education; or
 - d. Exempted for circumstances beyond the control of the applicant as defined by the State Department of Education guidelines.
3. The superintendent or his designee shall use the Student Enrollment/Exclusion Status form to notify the Department of Public Safety of:
 - a. Students who have requested enrollment status and are not enrolled.

- b. Students who are 16 to 19 years of age with more than 10 consecutive or 15 cumulative days of unexcused absences during a single semester.
- c. The superintendent or his designee shall advise a student of any report sent to the Department of Public Safety related to the student.
- d. The local school board shall write and approve a policy related to this act that is consistent with the State Department of Education guidelines.
- e. The school system shall implement an appeals policy which:
 - (1) Provides for the student to appeal within 15 days of the issuance of enrollment status.
 - (2) The appeal shall:
 - a) Be written.
 - b) Include a statement of reasons for the appeal.
 - c) Be sent to the appropriate school principal.
 - (3) Shall follow the adopted procedures for long-term suspension or expulsion.
(Note: Local education agencies may adopt a different appeals process so long as it provides minimal due process.)

*Code of Alabama (1975) §16-28-40
Alabama Administrative Code 290-3-1-.02(7)(b)(1)*

- 4. Circumstances beyond the control of the student include the following:
 - a. Students who are mentally or physically unable to attend school.
 - b. Students who are regularly and legally employed under the provision of the Child Labor Law.
 - c. Students who, because of the distance they reside from school and the lack of public transportation, are compelled to walk more than two miles to attend a public school.

Authority: Code of Alabama (1975) §16-28-6

- d. Does not include suspension or expulsion from school or imprisonment as an exemption.
- e. The school system superintendent or designee is the sole judge of whether or not the evidence presented meets the legal requirements of “circumstances that are beyond the control” of the student.

Authority: Code of Alabama (1975) §16-28-40

C. POSSESSION OF PISTOL/LEARNER'S PERMIT/DRIVER'S LICENSE

1. Any person over the age of 14 who is convicted of the crime of possession of a pistol on the premises of a public school, or a public school bus, or both, shall be denied issuance of a driver's permit or license for the operation of a motor vehicle for 180 days from the date a person is eligible and applies for a permit or license for the operation of a motor vehicle. The court shall notify the Department of Public Safety.

Authority: Code of Alabama (1975) §16-28-40

2. Any student determined to have brought to school or have in his/her possession a firearm in a school, on school grounds, on school buses, or at other school-sponsored functions, shall be expelled for a period of one year. Notwithstanding the foregoing, city and county boards of education and local superintendent of education of each board may modify the expulsion requirement for a student on a case-by-case basis. Students who are expelled for violation of this section shall not be allowed to attend regular school classes in any public school in the state during the expulsion period.

Authority: Code of Alabama (1975) §16-1-24.3

The web address for the Alabama Department of Public Safety link for forms is:

<http://www.dps.state.al.us/DriverLicense/Forms.aspx>

The web address/link for the Enrollment/Exclusion form is:

<http://www.dps.state.al.us/DriverLicense/forms/DL-1-93.pdf>



ENROLLMENT/EXCLUSION FORM

To Implement Sections 16-28-40 through 16-28-45, Code of Alabama, 1975

Follow instructions on the back of this form. Print or type all information.

I. APPLICANT*

Driver's License No.: _____ Social Security No.: _____ Sex: _____
Legal Name: _____ Date of Birth: _____
Address: _____
Street City State Zip

II. ENROLLMENT* SCHOOL OR GED OR JOB TRAINING PROGRAM

Name: _____ Check one: GED Program
(School or in GED or Job Training Program) Job Training Program
 Secondary Program
Address _____
Street City State Zip
Telephone No.: _____ Signature: _____
Title: _____

Enter the actual date of compliance or noncompliance in the blank located to the left of the appropriate statement.

IN COMPLIANCE

NOT IN COMPLIANCE

The applicant:

The applicant:

_____ Is enrolled.
Date
_____ Withdrew due to circumstances
Date beyond his or her control.*
_____ Has obtained a GED Certificate.
Date
_____ The applicant was previously
Date reported as being noncompliant.
As of this date, the student has
complied.

_____ Is not enrolled.
Date
_____ Has accumulated more than 10
Date consecutive or 15 cumulative
unexcused absences during a single
semester. **(Only for students
enrolled in secondary school)**
_____ Is not making satisfactory progress.
Date **(Only for GED students)**

III. EXCLUSION

Enter the actual date in the blank located to the left of the appropriate statement.

The applicant:

_____ Is a parent with the care and custody of
a minor or unborn child.
_____ Is the sole source transportation for
the parent(s).

Physician/Health Department

Street

City State Zip Phone

Physician's Signature

Enter the beginning date of employment.

The applicant:

_____ Is gainfully and substantially employed.

Place of Employment

Street

City State Zip Phone

Employer's Signature

Defined on the back of this form.
Revised 5/1/95

LEGISLATIVE AUTHORITY

“The Department of Public Safety shall deny a driver’s license or a learner’s license for the operation of a motor vehicle to any person under the age of 19 who does not, at the time of application, present a diploma or other certificate of graduation issued to the person from a secondary high school of this state, or any other state, or documentation that the person: (1) is enrolled and making satisfactory progress in a course leading to a general educational development certificate (GED) from a state-approved institution or organization, or has obtained the certificate; (2) is enrolled in a secondary school of this state or any other state; (3) is participating in a job training program approved by the State Superintendent of Education; (4) is gainfully and substantially employed; (5) is a parent with the care and custody of a minor or unborn child; (6) has a physician certify that the parents of the person depend on him or her as their sole source of transportation; or (7) is exempted from this requirement due to circumstances beyond his or her control as provided in this chapter.” Ala. Code §16-28-40 (1975)

GENERAL INFORMATION/INSTRUCTIONS

1. Individuals under the age of 19 applying for, renewing, or seeking reinstatement of a driver’s license or learner’s permit to operate a motor vehicle must present to the area driver’s license examiner a diploma or other certificate of graduation, a GED Certificate, or an Enrollment/Exclusion Form.
2. Print or type all information.
3. Part I must be completed for all reports. Note: *The driver’s license number may not be available. This is the only information in Part I which may be left blank.*
4. The attendance officer or chief attendance administrator, upon request, shall provide documentation of enrollment status (complete Part I and Part II) for any student 15 years of age or older who is properly enrolled in a school under the jurisdiction of the official. The applicant should submit this form to the area Driver’s License Examiner.
5. Whenever a student 17 years of age or older withdraws from school without meeting the exclusionary conditions of this legislation, the attendance officer or chief attendance administrator should complete Part I and Part II of this form and submit to the Department of Public Safety, Driver Improvement, P.O. Box 1471, Montgomery, Alabama 36102-1471. *No other report should be submitted unless the individual changes categories from noncompliance to compliance.*
6. Appeals relative to secondary school enrollment status should be filed with the local school principal in accordance with local board of education policies.
7. Exclusion status for individuals claiming an exemption from this legislation should be completed by the designated person as identified in Part III of this form. The applicant is responsible for securing proper documentation for presentation to the Department of Public Safety.

DEFINITIONS

1. Applicant—An individual between the ages of 15 and 19 applying for, renewing, or seeking reinstatement of a driver’s license or a learner’s permit for the operation of a motor vehicle.
2. Circumstances beyond the control of applicant—Valid reasons for exemption from this legislation and apply to the following:
 - a. Students who are mentally or physically unable to attend school.
 - b. Students who are regularly and legally employed under the provisions of the Child Labor Law.
 - c. Students who, because of the distance they reside from school and the lack of public transportation, are compelled to walk more than two miles to attend a public school. (Does not include suspension or expulsion from school or imprisonment.)
3. Enrollment—The status of an individual who is:
 - a. Enrolled in a school.
 - b. Enrolled in a GED program.
 - c. Enrolled in a job training program approved by the State Superintendent of Education.

WEB RESOURCES

RESOURCES RELATED WEB RESOURCES

- *Code of Alabama, (1975)* <http://www.legislature.state.al.us/>
- *The Official Website Of The Alabama Legislature* <http://www.legislature.state.al.us/>
- *State Board of Education Administrative Code*
<http://www.alabamaadministrativecode.state.al.us/docs/ed/index.html>
- *Alabama State Superintendent of Education* <http://www.alsde.edu/html/home.asp>
- *Opinions of the Attorney General of Alabama* <http://www.ago.state.al.us/>
- *Alabama Learning Exchange (ALEX)* <http://alex.state.al.us/>
- *McKinney-Vento Homeless Assistance Act. 2002* www.ed.gov/programs/homeless/guidance
- *United States Department of Justice* www.usdoj.gov
- *United States Department of Homeland Security* <http://www.dhs.gov/index.shtm>
- *Recommended Policies and Procedures for Court/School Truancy Prevention Programs*
http://www.dsgonline.com/mpg2.5/truancy_prevention.htm
- *National Center for Missing and Exploited Children* <http://www.missingkids.com/>
- *Jacob Wettering Crimes Against Children Act*
<http://www.ojp.usdoj.gov/BJA/what/02ajwactcontents.html>
- *State of Alabama Web Page* <http://www.alabama.gov/portal/index.jsp>
- *U.S. Citizenship and Immigration Services* <http://www.uscis.gov/portal/site/uscis>
- *Interagency on Youth Truancy Task Force* www.alsde.edu/html/boe_resolutions2.asp?id=977
- *Alabama Department of Public Safety* <http://www.dps.state.al.us/DriverLicense/Forms.aspx>
- *Alabama Department of Public Safety Enrollment/Exclusion form*
<http://www.dps.state.al.us/DriverLicense/forms/DL-1-93.pdf>

**STATE BOARD OF EDUCATION
ADMINISTRATIVE CODES**

OPINIONS/MEMORANDUMS

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