

Code of Alabama 1975
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Section 16-28-1

Definitions.

For purposes of this article, the following words, terms and phrases shall have the following respective meanings, unless clearly indicated otherwise:

- (1) PRIVATE SCHOOL. Includes only such schools as hold a certificate issued by the State Superintendent of Education, showing that such school conforms to the following requirements:
- a. The instruction in such schools shall be by persons holding certificates issued by the State Superintendent of Education;
 - b. Instruction shall be offered in the several branches of study required to be taught in the public schools of this state;
 - c. The English language shall be used in giving instruction;
 - d. A register of attendance shall be kept which clearly indicates every absence of each child from such school for a half day or more during each school day of the school year.
- (2) CHURCH SCHOOL. Includes only 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.

(School Code 1927, §302; Code 1940, T. 52, §299; Acts 1982, No. 82-218, p. 260, §1.)

Section 16-28-2.1

Adoption of standards for mandatory attendance policy; parents held accountable; enforcement.

The Legislature finds that mandatory attendance policies for schools differ from school system to school system throughout the State of Alabama. The State Board of Education shall adopt standards for a mandatory and enforceable attendance policy for all students in public schools in the State of Alabama. Parents shall be held accountable in accordance with Sections 16-28-12 and 16-28-7, for the failure of the child who is of compulsory attendance age to attend either public, private or church-school. Enforcement of this section shall lie with the local board of education and the juvenile court system.

(Acts 1991, No. 91-323, p. 602, §15.)

Section 16-28-2.2

Establishment of program by local boards to inform parents of educational responsibilities.

- (a) Local boards of education, pursuant to guidelines established by the State Board of Education, shall establish educational programs to inform parents of school children of their education-related

responsibilities to their children. The programs shall include, but shall not be limited to, coverage of each of the following topics:

- (1) The criminal liability and criminal sanctions parents may be subject to under Section 16-28-12, for failing to compel their child to properly conduct himself or herself as a pupil, or for failing to ensure that their child attends school or enrolls in school.
 - (2) The necessity for a parent to monitor and supervise the school work and educational activities of the child.
 - (3) An explanation of the responsibilities of teachers and the school system to a child, and an enumeration of those matters that are strictly the responsibility of the parent.
 - (4) Techniques and suggestions to enable a parent to best supervise the school work and educational activities of the child.
 - (5) An explanation of the interrelationship of the family life of a child and the educational achievement of the child.
- (b) The State Board of Education and local boards of education shall develop strategies to ensure that parents of school children receive this information. These strategies may include provisions for weekend meetings, one-to-one conferences, telephone communications, and neighborhood meetings.
 - (c) Local district attorneys and law enforcement officials shall, at the request of the local board of education, assist in the implementation and operation of this section.

(Acts 1993, No. 93-672, p. 1213, §2.)

Section 16-28-3

Ages of children required to attend school; church school students exempt from operation of this section.

Every child between the ages of seven and 16 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 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.

(School Code 1927, §301; Code 1940, T. 52, §297; Acts 1956, 2nd Ex. Sess., No. 117, p. 446, §3; Acts 1982, No. 82-218, p. 260, §4.)

Section 16-28-4

Minimum age at which child may enter.

(a) A child who is six years of age on or before September 1 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. A child who is under six years of age on September 1 or the date on which school begins in the enrolling district shall not be entitled to admission to the first grade in the public elementary schools during that school year; except, that an underage child who transfers from the first grade of a school in another state may be admitted to school upon approval of the board of education in authority, and an underage child who has moved into this state having completed or graduated from a mandated kindergarten program in another state shall be entitled to admission to the

public elementary schools regardless of age. A child who becomes six years of age on or before February 1 may, on approval of the board of education in authority, be admitted at the beginning of the second semester of that school year to schools in school systems having semiannual promotions of pupils.

(b) A child who is five years of age on or before September 1 or the date on which school begins in the enrolling district shall be entitled to admission to the local public school kindergartens at the opening of such schools for that school year or as soon as practicable thereafter; a child who is under five years of age on September 1 or the date on which school begins in the enrolling district shall not be entitled to admission to such schools during that school year; except that, an underage child who transfers from the public school kindergarten in another state may be admitted to local public kindergarten on the prior approval of the local board of education on a space available basis. The aforementioned underage children transferring from the public school kindergartens of another state, upon successful completion of the kindergarten in the local public schools, will then be allowed admission to the first grade of the local public schools.

(c) Students who were four years of age on or before October 1, 1989, and are enrolled in a public, private or church four-year-old program or kindergarten during the 1989-90 school year will be allowed to enroll in a five-year-old public kindergarten, applicable only for the 1990-91 school year and to enroll in grade one of a public school, applicable only for 1991-92 school year. Students who are already enrolled in a public, private or church kindergarten will be allowed to enroll in grade one of a public school, applicable only for the 1990-91 school year.

(d) No public school system shall lose any teacher unit as a result of this section. The State Board of Education is authorized to adopt policies for local boards of education for the implementation of this section.

(Acts 1935, No. 246, p. 646; Code 1940, T. 52, §298; Acts 1947, No. 234, p. 103; Acts 1950, 2nd Ex. Sess. No. 4, p. 24; Acts 1967, No. 596, p. 1382; Acts 1982, No. 82-553, p. 914, §§1, 2; Acts 1989, No. 89-854, §1; Acts 1990, No. 90-578, p. 983; Acts 1991, No. 91-323, p. 602, §13.)

Section 16-28-5

Private tutor.

Instruction by 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 8:00 A.M. and 4:00 P.M., and who uses the English language in giving instruction. Such private tutor shall, prior to beginning the instruction of any child, file with the county superintendent of education, where his place of instruction is in territory under the control and supervision of the county board of education, or the city superintendent of schools, where his place of instruction is in territory under the control and supervision of a 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. Such tutor shall keep a register of work, showing daily the hours used for instruction and the presence or absence of any child being instructed and shall make such reports as the State Board of Education may require.

(School Code 1927, §303; Code 1940, T. 52, §300.)

Section 16-28-6

Children exempt from attending public school.

(a) 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 school, or to be instructed by a private tutor:

(1) Children whose physical or mental condition is such as to prevent or render inadvisable attendance at school or application to study. Before issuing such certificate of exemption, the superintendent shall require a certificate from the county health officer in counties which have a health unit, and from a regularly licensed, practicing physician in counties which do not have a health unit, that such a child is physically or mentally incapacitated for school work;

(2) Children 16 years of age and upward or children who have completed the course of study of the public schools of the state through high school as now constituted;

(3) Where because of the distance children reside from school and the lack of public transportation such children would be compelled to walk over two miles to attend a public school;

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

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

(School Code 1927, §304; Code 1940, T. 52, §301; Acts 1947, No. 676, p. 517; Acts 1971, No. 2484, p. 3965.)

Section 16-28-7

Report of enrollment.

At the end of the fifth day from the opening of the public school, the principal teacher of each public school, private school, and each private tutor, but not church school, shall report on forms prescribed by the State Superintendent of Education to the county superintendent of education, in the event the school is operated in territory under the control and supervision of the county board of education, or to the city superintendent of schools, in the event the school is operated in territory under the control and supervision of a city board of education, the names and addresses of all children between the ages of seven and 16 years who have enrolled in such schools; and thereafter, throughout the compulsory attendance period, the principal teacher of each school and private tutor shall report at least weekly the names and addresses of all children between the ages of seven and 16 years who enroll in said school or who, having enrolled, were absent without being excused, or whose absence was not satisfactorily explained by the parent, guardian, or other person having control of the child. 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. Should said child cease attendance at a church school, 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 school to notify the local public school superintendent or his agent that said child no longer is in attendance at a church school.

(School Code 1927, §309; Code 1940, T. 52, §306; Acts 1982, No. 82-218, p. 260, §5.)

Section 16-28-8

Reports required must be furnished.

All school officers, including those in private schools, or private tutors, but not those in church schools, in this state offering instruction to pupils within the compulsory attendance ages, shall make and furnish all reports that may be required by the State Superintendent of Education and by the county superintendent of education or by the board of education of any city with reference to the workings of this article. 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.

(School Code 1927, §310; Code 1940, T. 52, §307; Acts 1982, No. 82-218, p. 260, §6.)

Section 16-28-9

List of children who should attend school — Required.

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

(School Code 1927, §311; Code 1940, T. 52, §308.)

Section 16-28-10

List of children who should attend school — How lists 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.

(School Code 1927, §312; Code 1940, T. 52, §309; Acts 1943, No. 313, p. 300.)

Section 16-28-12

Person in loco parentis responsible for child's school attendance and behavior; noncompliance; local boards to promulgate written behavior policy, contents, annual distribution, receipt to be documented; school officials required to report noncompliance; failure to report suspected violation; district attorneys vigorously to enforce provisions.

(a) Each parent, guardian, or other person having control or custody of any child required to attend school or receive regular instruction by a private tutor who fails to have the child enrolled in school or who fails to send the child to school, or have him or her instructed by a private tutor during the time the child is required to attend a public school, private school, church school, denominational school, or parochial school, or be instructed by a private tutor, or fails to require the child to regularly attend the school or tutor, or fails to compel the child to properly conduct himself or herself as a pupil in any public school in accordance with the written policy on school behavior adopted by the local board of education pursuant to this section and documented by the appropriate school official which conduct may result in the suspension of the pupil, shall be guilty of a misdemeanor and, upon conviction, shall be fined not more than one hundred dollars (\$100) and may also be sentenced to hard labor for the county for not more than 90 days. The absence of a child without the consent of the principal teacher of the public school he or she attends or should attend, or of the tutor who instructs or should instruct the child, shall be prima facie evidence of the violation of this section.

(b) Each local public board of education shall adopt a written policy for its standards on school behavior. Each local public school superintendent shall provide at the commencement of each academic year a copy of the written policy on school behavior to each parent, guardian, or other person having care or control of a child who is enrolled. Included in the written policy shall be a copy of this section. The signature of the student and the parent, guardian, or other person having control or custody of the child shall document receipt of the policy.

(c) Any parent, guardian, or other person having control or custody of any child enrolled in public school who fails to require the child to regularly attend the school or tutor, or fails to compel the child to properly conduct himself or herself as a pupil in accordance with the written policy on school behavior adopted by the local board of education and documented by the appropriate school official which conduct may result in the suspension of the pupil, shall be reported by the principal to the superintendent of education of the school system in which the suspected violation occurred. The superintendent of education or his or her designee shall report suspected violations to the district attorney within 10 days. Any principal or superintendent of education or his or her designee intentionally failing to report a suspected violation shall be guilty of a Class C misdemeanor. The district attorney shall vigorously enforce this section to ensure proper conduct and required attendance by any child enrolled in public school.

(School Code 1927, §305; Code 1940, T. 52, §302; Acts 1993, No. 93-672, p. 1213, §1; Acts 1994, 1st Ex. Sess., No. 94-782, p. 70, §1.)

Section 16-28-13

Burden of proof on person in loco parentis.

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:

(1) 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

(2) 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

(3) 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

(4) That there exists a good cause or valid excuse for such absence; or

(5) That such parent, guardian or other person has made a bona fide, diligent effort to secure the regular attendance of such child and that the absence was without his knowledge, connivance or consent.

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.

(School Code 1927, §306; Code 1940, T. 52, §303.)

Section 16-28-14

Habitual truant.

In case any child becomes 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 as provided in Section 16-28-13, stating that he is unable to control such child, the attendance officer must file a complaint before the judge of the juvenile court of the county, alleging the facts, whereupon such child must be proceeded against in the juvenile court for the purpose of ascertaining whether such child is a dependent, neglected or delinquent child.

(School Code 1927, §307; Code 1940, T. 52, §304.)

Section 16-28-15

Absence must be explained.

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, and a 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 said child, unless such person can show to the reasonable satisfaction of the court that he had no knowledge of such absence and that he has been diligent in his efforts to secure the attendance of such child.

(School Code 1927, §308; Code 1940, T. 52, §305; Acts 1982, No. 82-218, p. 260, §7.)

Section 16-28-16

Cases of nonenrollment and nonattendance; withdrawal of enrollment.

(a) It shall be the duty of the county superintendent of education or the city superintendent of education, as the case may be, to require the attendance officer to investigate all cases of nonenrollment and of nonattendance. In all cases investigated where no valid reason for nonenrollment or nonattendance is found, the attendance officer shall give written notice to the parent, guardian, or other person having control of the child. In the event of the absence of the parent, guardian, or other person having control of the child from his or her usual place of residence, the attendance officer shall leave a copy of the notice with some 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, which notice shall require the attendance of the child at the school within three days from the date of the notice. In the event the investigation discloses that the nonenrollment or nonattendance 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.

(b) 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.

(School Code 1927, §314; Code 1940, T. 52, § 311; Act 99-705, 2nd Sp. Sess., p. 222, § 1; Act 2001-344, p. 446, §1.)

Section 16-28-17

When child may be taken into custody.

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 proceedings or prosecutions under the provisions of this article as a truant. Such child shall forthwith be delivered to the person having charge or control of said child or to the principal teacher of the school or the private tutor from whom said child is a truant. 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.

(School Code 1927, §315; Code 1940, T. 52, §312.)

Section 16-28-18

Record kept by attendance officer.

The attendance officer whose appointment is by this article provided for 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.

(School Code 1927, §316; Code 1940, T. 52, §313.)

Section 16-28-19

Attendance districts.

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, who shall hold his office at the will of the county board of education, and the board of education of each city having a city board of education shall appoint one or more attendance officers to serve at the pleasure of the appointing board. City and county boards of education and county commissions may jointly employ any person or persons to carry out the provisions of this chapter and such additional duties as may be assigned them by such boards or county commissions.

(School Code 1927, §317; Code 1940, T. 52, §314.)

Section 16-28-21

Juvenile court jurisdiction.

The juvenile court of the county shall have original and exclusive jurisdiction of all prosecutions or proceedings arising under the provisions of this article against or concerning any parent, guardian or other person having charge or control of a child, or against or concerning any child or other person for the purpose of enforcing the provisions of this article and effecting its objects, and all provisions of Chapter 15 of Title 12 shall apply to prosecutions or proceedings arising under the provisions and terms of this article.

(School Code 1927, §320; Code 1940, T. 52, §316.)

Section 16-28-22

Prosecutions.

No prosecution or proceeding under this article shall be begun except by one of the following parties:

- (1) The county superintendent of education or city superintendent of schools where the matter affects a school or private tutor in territory under his supervision; or
- (2) An attendance officer; or
- (3) The principal teacher of the school which the child attends or should attend; or
- (4) The private tutor by whom the child is instructed or should be instructed; or
- (5) The probation officer of the county; or
- (6) A duly authorized agent of the State Superintendent of Education or the Department of Human Resources.

(School Code 1927, §324; Code 1940, T. 52, §320.)

Section 16-28-23

Attendance register and rules and regulations as evidence.

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. A copy of any rule and regulation of the State Board of Education duly certified as true and correct by the State Superintendent of Education shall be admissible as evidence of the provisions of such rule and regulation, and the statement in the certificate of the State Superintendent of Education of the date of the promulgation shall be admissible as evidence that such rule or regulation was duly promulgated on the day and date named.

(School Code 1927, §325; Code 1940, T. 52, §321; Acts 1982, No. 82-218, p. 260, §8.)

Section 16-28-40

License applicant under 19 to provide documentation of school enrollment, etc.; denial of application if requisite status not shown; role of school attendance official; effect of withdrawal from school; effect of conviction for certain pistol offenses on driving privileges.

(a) 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.

(b) The attendance officer or chief attendance administrator, upon request, shall provide documentation of enrollment status on a form approved by the Department of Education to any student 15 years of age or older who is properly enrolled in a school under the jurisdiction of the official, for presentation to the Department of Public Safety, on application for, or renewal or reinstatement of, a driver's license or a learner's license to operate a motor vehicle. Whenever a student 16 years of age or older withdraws from school, the attendance officer or chief attendance administrator shall notify the Department of Public Safety of the withdrawal. Withdrawal shall be defined as more than 10 consecutive or 15 days total unexcused absences during a single semester.

(c) Within five days of receipt of a notice of withdrawal, the Department of Public Safety shall send notice to the licensee that his or her driver's license or learner's license will be suspended under this article on the 30th day following the date the notice was sent unless documentation of compliance with this article is received by the department before the 30th day.

(d) Whenever the withdrawal from school of the student, or the failure of the student to enroll in a course leading to or to obtain a GED or high school diploma, is beyond the control of the student, or is for the purpose of transfer to another school as confirmed in writing by the parent or guardian of the student, or is for the purpose of participating in a job training program approved by the State Superintendent of Education, no notice shall be sent by the proper school official to the Department of Public Safety to

suspend the license of the student. If the student is applying for or renewing a driver's license or a learner's license, the attendance officer or chief attendance administrator, upon request, shall provide the student with documentation to present to the Department of Public Safety to exempt the student from this section. The local superintendent of education with the assistance of the county or city school attendance director as the case may be, and any other staff or school personnel, or the appropriate school official of any private secondary school, shall be the sole judge of whether the withdrawal is due to circumstances beyond the control of the person. Suspension or expulsion from school or imprisonment in a jail or penitentiary is not a circumstance beyond the control of a person.

(e)(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, under Section 13A-11-72 shall be denied issuance of a driver's permit or license for the operation of a motor vehicle for 180 days from the date the person is eligible and applies for a permit or license for the operation of a motor vehicle. Any adjudication as a juvenile delinquent or youthful offender where the underlying charge is the possession of a pistol on the premises of a public school, or a public school bus, or both, under Section 13A-11-72 shall be considered a conviction under this subsection, and the adjudication of a person as a juvenile delinquent or youthful offender where the underlying charge is a violation under Section 13A-11-72 shall be reported to the Department of Public Safety.

(2) If a person over the age of 14 years possesses a driver's license on the date of conviction, the Department of Public Safety, within five days of receipt of a notice of conviction from the court, shall send notice to the licensee that his or her driver's license will be suspended. The notice shall state that the license will be suspended for 180 days commencing on the 30th day following the date the notice was sent unless documentation is received by the department before the 30th day that the person was not convicted of the crime. Upon the appropriate date, the department shall suspend the license.

(3) Upon the written request of the person whose license is denied or suspended, the Department of Public Safety shall afford the person an opportunity for a hearing in the same manner and under the procedure used for other driver's license suspensions. If the suspension or denial of issuance determination is sustained by the Director of the Department of Public Safety or the authorized agent of the director, upon such hearing, the person may file a petition in the appropriate court to review the final order of suspension or denial by the director or the authorized agent of the director in the same manner and under the same conditions as is provided in the case of suspensions and denials.

(4) If the conviction is reversed within the 180 day period, the department, upon receipt of notice of the reversal from the Administrative Office of Courts, shall reinstate a suspended license and shall accept an application for a license and shall issue the license according to law and regulation.

(5) The court shall notify the Department of Public Safety of the conviction of a person over the age of 14 of a crime involving the possession of a pistol on the premises of a public school, or a public school bus, or both, under Section 13A-11-72 and any reversal of the conviction. The Administrative Office of Courts may promulgate necessary rules and regulations to implement this notification procedure.

(Acts 1993, No. 93-368, p. 628, §1; Acts 1994, 1st Ex. Sess., No. 94-820, p. 138, §1.)

Section 16-11-16

Kindergartens and playgrounds; eligibility for admission to public schools.

(a) The city board of education shall have power to establish and maintain a system of public schools including kindergartens and playgrounds for the benefit of children who are bona fide residents of and living within the corporate limits of such city.

(b) Such children who are six years of age and less than 19 years of age on the date school opens shall be entitled to admission to the elementary, junior and senior high schools.

(c) If a kindergarten is established and maintained, children from five to eight years of age may be admitted on such terms and conditions as the city board of education may prescribe.

(School Code 1927, §202; Code 1940, T. 52, §162.)

Admission to Public School

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: Ala. Code (1975) §16-28-3

Q. Who is required to attend school?

- A. Every child between the ages of seven and 16 must attend a public school, private school, church school, or be instructed by a competent private tutor for the entire length of the school term except that every child attending a church school is exempt from the requirements of *Ala. Code (1975) §16-28-3*, provided such child complies with the enrollment and reporting procedure specified in *Ala. Code (1975) §16-28-7* of the code.

Authority: Ala. Code (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 *Ala. Code (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: Ala. Code (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: Ala. Code (1975) §16-28-4

Nonattendance

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

A. A. Attendance Required

Children between the ages of seven and 16 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: Ala. Code (1975) §16-28-15

- child as
2. Excused Absences
 - a. Illness.
 - b. Death in immediate family.
 - c. Inclement weather which would be dangerous to the life and health of the 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.

Attendance Related to Promotion/Retention

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.

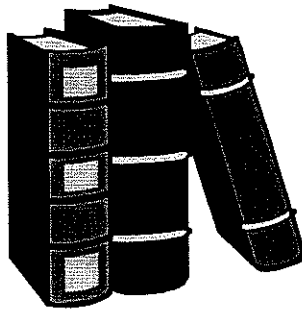
Q. Can academic sanctions (grade penalties) be imposed upon a student after a certain number of excused or unexcused absences?

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. Once again, the school system must have publicized and faithfully complied with a policy that equates academic achievement with attendance.

*Report of Attorney General of Alabama
January 10, 1989*



ALABAMA STATE BOARD OF EDUCATION
STATE DEPARTMENT OF EDUCATION
ADMINISTRATIVE CODE

CHAPTER 290-3-1
PUBLIC SCHOOL GOVERNANCE

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290-3-1-.01 Short Title, Purpose, And Name Change.

(1) Short Title. This chapter shall be entitled Public School Governance and shall refer specifically to the Alabama Public School Governance.

(2) Purpose. The purpose of the Alabama Public School Governance is to provide governance guidelines for public schools in Alabama.

(3) Name Change. Effective September 1, 1998, Student Instructional Services shall be changed to Instructional Services in this chapter.

Author: Dr. Ed Richardson

Statutory Authority: Alabama Constitutional Amendment 284, Code of Ala. 1975, §§16-2-2, 16-3-11 through 12, 16-3-14, 16-26-1 through 3.

History: Amended March 27, 1975, repromulgated February 19, 1982, June 13, 1991. **Repealed and replaced:** effective July 25, 1991. **Repealed and replaced:** Filed August 22, 1995; effective September 26, 1995. **Amended:** Filed August 14, 1998; effective September 18, 1998.

290-3-1-.02 Regulations Governing Public Schools.

(1) Safe School Equipment and Facilities, Laboratories, and Policies.

(a) Safety precautions must be implemented and adequate facilities must be provided for implementations of programs prescribed by SDE Bulletin(s).

(b) Effective with the 1995-96 school year and thereafter, local boards of education must:

1. Adopt a uniform policy allowing law enforcement agencies to make periodic visits to local public schools to detect the presence of illegal drugs, unannounced to anyone except the local superintendent and building principal.

2. Adopt a uniform policy prohibiting the use of tobacco products on school property and prescribing specific penalties for violating this policy.

3. Adopt and enforce a uniform policy prohibiting all persons, other than authorized law enforcement personnel, from bringing or possessing any deadly weapon or dangerous instrument on school property and prescribing specific penalties for students and school personnel who violate this policy, notwithstanding any criminal penalties which may also be imposed.

(c) Local school systems which operate alternative educational programs shall provide a curriculum that stresses skills in recognizing and managing anger, alternatives to aggression (verbal and physical assault), strategies for developing self-control and personal responsibility, skills for getting along with others, success through academic achievement, and skills for success in the workplace.

(d) All policies and actions implemented under these mandatory regulations affecting students with disabilities must comply with federal and state special education laws, regulations, and court rulings.

(e) Unsafe School Choice Option

1. Definitions: A transfer option school (TOS) in the state of Alabama is one in which for three (3) consecutive school years the school has expelled one percent (1%) of the student population or five (5) students (whichever is greater) for violent criminal offenses committed on school property during school hours or committed at school-sponsored activities. The words "transfer option school," "TOS," or "TOS school" shall mean a "persistently dangerous school" as those words are used in the No Child Left Behind Act of 2001, Public Law 107-110, Title IX, §9532(a) and (b). For the purpose of this definition, a "violent criminal offense" shall mean homicide; robbery; assault in the first and/or second degree; sexual battery (including rape) as these offenses are defined in the Criminal Code of Alabama (see §13A-6-1, et. seq., Code of Ala. 1975); and use of a handgun, firearm component, explosive, knife, and other "unknown weapons" as defined by the Student Incident Report (SIR).

2. A student who becomes a victim of a violent criminal offense committed on school property during school hours or at school-sponsored activities shall be given an opportunity to transfer to a safe public school within the LEA. The LEA shall notify the student's parent/guardian of the right to transfer as soon as practicable, not to exceed ten (10) calendar days from the date of a final determination by the school board or its designee that a violent criminal offense has occurred. All LEA transfer procedures will be observed. It shall be the policy of the Alabama State Department of Education (SDE) to notify the LEA annually when one or more of its schools have been identified as a transfer option school. Each Superintendent or his or her designee shall orally notify the Prevention and Support Services Section of the State Department of Education within twenty-four (24) hours of the decision that a violent criminal offense has occurred, followed by written confirmation. The State Department of Education will assist the LEA in resolving all safety issues. At a minimum, an LEA that has one or more schools identified as persistently dangerous must:

(a) Step 1. Notify parents/guardians of each student attending the school within ten (10) working days that it has been identified as a transfer option school and offer students the opportunity to transfer to a safe public school within the LEA if another school is available.

(b) Step 2. Complete the transfer for those students who opt to do so within 20 working days.

(c) Step 3. Develop a corrective action plan to be submitted to the SDE for approval within 20 working days of the LEA's receipt of status.

(d) Step 4. Implement the corrective action plan. Once a school has been identified as a transfer option school, it can return to safe status by (1) completing Steps One through Four above and (2) completing two consecutive years with less than one percent (1%) of the student population or five (5) students (whichever is greater) expelled for violent criminal offenses as defined in its policy.

(2) Length of School Day and School Term.

(a) In accordance with Code of Ala. 1975, §16-1-1:

1. The school year shall consist of a minimum of 175 teaching days.

2. The length of the school day shall be at least six (6) hours of actual teaching exclusive of lunch and recess.

(3) Student Records from Nonexisting Schools.

(a) Upon discontinuing public school services at a given location or site, all student records must be achieved in space designated by the local superintendent.

(b) Should two or more public schools be combined, records must be combined and kept in the new or existing school or a place designated by the local superintendent.

(c) Nonpublic schools which have no higher administrative office and which discontinue operation must submit all student records to the office of the county or city board of education in the system where the school is located.

(d) Nonpublic schools which are discontinuing their operation and which have a higher administrative office equivalent to the office of the superintendent of education, shall submit student records to this office where they will be maintained.

(4) Student Records from Existing Schools.

(a) Permanent records are to remain in a school or in another location designated by the local superintendent indefinitely for all students who have attended the school. A duplicate shall be filed in the local superintendent's office or some storage place other than the school which the student attends. Transcripts and disciplinary records with respect to suspension (in- and out-of school) and expulsion may be sent to another school.

(b) Student Records must contain:

1. Legal names.
2. Social Security Numbers.

(i) Each child enrolled in an Alabama public school Grades Kindergarten through 12 shall have a Social Security Number and a valid Social Security Card to be presented to school official(s) at pre-registration/registration for verification and returned to child/parent/guardian/custodian. For each student 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. The temporary identification number shall be uniquely assigned as follows:

- (I) Must be nine numeric digits (the same number of digits as the Social Security Number).
- (II) Reading from left to right, position 1 must be a 9.
- (III) Position 2 must be the last digit of the calendar year; for example, this is 1998 and therefore position 2 is 8.
- (IV) 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.
- (V) 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.
 - (ii) Each local board of education and each agency reporting to the State Department of Education shall use the Social Security Number as the official identification of each child/student in all record keeping systems and shall make such data available by Social Security Number upon request by the State Superintendent of Education.
- (c) All transcripts shall be transferred directly from one school official to the other.
- (5) Federal Laws on Protection of Student Privacy. All schools must observe the Federal Educational Rights and Privacy Act (FERPA) as set forth in 20 U.S.C. 1239, 34 CFR, Part 99.
 - (6) Summer School.
 - (a) Registration of a Summer School.
 - 1. All public schools conducting a summer school shall file a registration report with the State Department of Education.
 - 2. Registration report forms furnished by the State Department of Education shall be returned to the State Department of Education, Montgomery, AL 36130-2101, no later than the end of the first week of summer school.

(b) Organization of Summer School--Effective with the Beginning of the 1999 Summer School.

1. Certified Personnel Holding Valid Alabama Certificate(s).

(i) The summer school shall be administered by a certified administrator.

(ii) Each teacher in a registered summer school shall hold a valid Alabama certificate in each subject taught as required in regular session.

2. Authorization of Summer School.

(i) The public summer school shall be authorized by the local board of education.

3. Responsibility for Summer School.

(i) The superintendent and the principal of the school shall be responsible for organizing the summer school program and registering it with the State Department of Education.

4. Awarding of Credit.

(i) Time requirements governing one unit of credit during summer school shall be a minimum of 140 clock hours of instruction.

(ii) A definite schedule shall be followed to meet the requirements for awarding credit.

5. Student Attendance in Summer School Other Than Where Regularly Enrolled.

(i) A student desiring to do summer school work in a school other than that in which he/she is regularly enrolled shall obtain written permission from his/her principal and parent(s) (guardian).

(ii) The student and his/her parent(s) (guardian) shall be held responsible for errors in course selection unless AAC Rule No. 290-3-1-.02(6)5.(i) is followed.

6. Exception.

(i) Any exception to AAC Rule 290-3-1-.02(6)(b)1. through 5. shall be granted only by the State Superintendent of

Education upon written request of the local superintendent with submission of sufficient documentation to warrant approval.

(7) Student Personnel - Admission.

(a) Admission to public school:

1. Admission to public school shall be on an individual basis, on the application of the parents, legal custodian or guardian of the student, to the local board of education, at the beginning of each school year, under such rules and regulations as the local board may prescribe.

(i) Legal names shall be used on each student's application for admission to public school.

(ii) Each student's Social Security Number shall be used on the application for admission to public school. (See AAC Rule 290-3-1-.02(4)(b)(2) for effective dates.)

(b) The local board of education, is responsible for adopting policies of admission and attendance within the framework of state law and State Board of Education policies. These policies should be clearly stated, followed implicitly and given publicity in the area to be served in the spring and fall before schools officially open.

(1) Regulations Governing School Attendance Standards and the Operation of Motor Vehicles.

(i) Local Education Agency (LEA) Responsibilities

(I) The school system shall provide adequate information to each student concerning the rights, penalties, and guidelines provided in this act.

(II) 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 means the student is:

I. Enrolled in public school;

II. Enrolled in a General Educational Development (GED) program;

III. Enrolled in a job-training program approved by the State Superintendent of Education; or

IV. Exempted for circumstances beyond the control of the applicant as defined by SDE guidelines.

(III) The superintendent or his designee shall use the Student Enrollment/Exclusion Status form to notify the Department of Public Safety (DPS) of:

I. Students who have requested enrollment status and are not enrolled, or

II. 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.

(IV) The superintendent or his designee shall advise a student of any report sent to the DPS related to the student.

(V) The local board of education shall adopt a policy related to this Act that is consistent with SDE guidelines.

(VI) The school system shall implement an appeals policy following guidelines adopted by the SDE.

(ii) State Department of Education (SDE) Responsibilities. The SDE shall:

(I) Develop the form for documenting enrollment status;

(II) Adopt an appeals procedure; and

(III) Distribute written guidelines to each school system for developing a written policy that:

I. Includes the definition of "circumstances beyond the control" of the student,

II. Informs students regarding provisions of the Act, and

III. Requires an appeals process.

(iii) Appeals Process. The appeal of a decision under Part I: Enrollment Status shall be submitted to the local school system.

(I) To appeal, the student shall submit written notification of intent to appeal within 15 days of the issuance of enrollment status, including a statement of reasons for the appeal to the appropriate school principal.

(II) Except as otherwise provided herein, the appeals process shall follow the procedures adopted by the local board of education for a long-term suspension or expulsion. The local board of education may adopt a different appeals process so long as it provides minimal due process.

(iv) Suspension and Expulsion Definition. For purposes of implementing Code of Ala. 1995, §16-28-40 regarding Governing School Attendance Standards and the Operation of Motor Vehicles, suspension and expulsion shall mean a disciplinary action taken by a local school system against a student that requires the student to be removed and absent for a day or more from the instructional program.

(c) 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, §12-15-100 and 105.

(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.

(d) Definition: Section 103(a) of the McKinney Act defines the term homeless as including:

1. An individual who lacks a fixed, regular and adequate nighttime residence; and

2. An individual who has a primary nighttime residence that is:

(i) A supervised publicly or privately operated shelter designed to provide temporary living accommodations (including welfare hotels, congregate shelter, and transitional housing for the mentally ill);

(ii) An institution that provides a temporary residence for individuals intended to be institutionalized; or

(iii) A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.

(iv) Children living in doubled-up accommodations with family or friends due to a loss of housing and no other means of shelter.

3. Section 103(c) excludes from the definition of homeless "any individual imprisoned or otherwise detained pursuant to an Act of Congress or a state law."

(e) Enrollment Eligibility Determination.

1. A student who may be homeless or has an uncertain place of residence may present themselves for enrollment at a public school or a school system's office. School administrative personnel should make a determination of the student's residential status based upon the definition in Section 103(a) of the McKinney Act. If the student is identified as homeless via the definition, carefully consider enrollment options provided by the law presented in the next item (2) enroll the student and determine free meal and transportation needs.

2. Enrollment of a student shall not be denied or delayed due to any reason related to their homelessness including but not limited to the following reasons:

- (i) Lack of transcripts/school records
- (ii) Lack of immunization/health records
- (iii) Residency requirements
- (iv) Guardianship/custody requirements
- (v) Lack of transportation
- (vi) Lack of birth certificate

3. There are two options for the placement of homeless students:

(i) Continued enrollment in the school attended prior to homelessness; or

(ii) Enrollment in any schools that nonhomeless students who live in the attendance area where the homeless students is presently living are eligible to attend.

(iii) The placement decision shall be made according to the best interest of the child. Factors to be considered include family plans, educational services available, special programs, transportation, and length of stay in shelter facility. To the extent feasible, school administrators shall comply with any placement request made by a parent or guardian.

4. A child enrolled pursuant to these provisions shall not be denied services offered to other students in the school system.

(f) School and Health Records.

(i) A homeless parent/guardian and student may want to enroll without transcript/grade records. If so, enroll the student while school administrative personnel contact the former school about immunization information and tentative placement. They should then request a 30-day in state or a 90-day out-of-state extension certificate for immunization from the Superintendent or a designee. If it is determined that no records are available or exist, the local school should create a cumulative record folder in accordance with established guidelines. School administrative personnel should obtain a simple release from the parent/guardian to facilitate release of the information by former school/school district.

(ii) The school administrative personnel should contact the local health department to obtain information about the immunization status of a homeless student. If there are no records of the homeless student's immunization status, an appointment for the student needs to be made within the local health department and follow-up provided to ensure that the student has been immunized.

(g) Guardianship/Custody.

(i) A homeless student may arrive at the school without a parent or legal guardian and want to enroll. If so, enroll the student and make every effort to contact the parent/guardian to complete the enrollment process or in cases of suspected abuse, contact the local social services agency. Maintain documentation of all written/verbal communication and home visits to contact the parent/guardian.

(ii) In exceptional cases where no parent/guardian can be located, contact the local social services agency to report the homeless child as a child in need of assistance, and in the interim, appoint an adult (relative, friend or volunteer) who will act in place of a parent to make educational decisions. A

"Release of Information" form may be used to assist in obtaining the necessary authorization as part of this process.

(h) Transfer/Withdrawal

(i) Homeless students often leave school without officially transferring or withdrawing from the school. In this event, follow policy established by the Board of Education.

Receiving school: If a homeless student is transferring without the proper transfer or withdrawal form from the previous school, enroll the student and call the former school for transfer and/or withdrawal information.

Sending school: Give requested information by telephone and forward records for the homeless student within 15 days. Complete necessary forms to place student on transfer or withdrawal status at your school.

(ii) Homeless students may return to their former school or transfer to a new school within the same academic year. In this event, make every effort to remove student from withdrawal status and place on re-entry or transfer status. School administrative personnel should contact the previous school by telephone to request the student's records and discuss educational placement. Student records should be forwarded within 15 days.

(i) Prompt Resolution of Interdistrict Disputes. If there is a dispute about the proper placement of a homeless child between the school district of the child's school of origin and the school district where the child is presently living, administrative personnel from both districts have the responsibility to bring the matter to the attention of an Assistant State Superintendent (or other designee of the State Superintendent, Alabama Department of Education) immediately for an interim resolution to avoid any delay in the enrollment of a homeless child. The school districts involved shall enroll the child without delay in accordance with the decision of the Assistant State Superintendent or other designee; however, a school system may seek review of the decision by the State Superintendent in accordance with section (i) below.

(j) Resolution of Disputes

(i) Enrollment shall not be denied pending resolution of a dispute. Any dispute in regard to providing public education to a child who may be eligible or designated as homeless shall follow Board Administrative Regulations.

(ii) In the event of a dispute regarding eligibility or placement, the parent or guardian shall be given notice of their right to a review. In the event the dispute cannot be resolved locally, the parent or guardian may request a review of the dispute by an Assistant State Superintendent or other designee of the State Superintendent, Alabama Department of Education. The Assistant Superintendent, or other designee, will address the issues in the dispute within 10 days from the receipt of a written request for resolution.

(iii) The Assistant Superintendent, or other designee, may, if the issue is not resolved in the written review, assign members of the Alabama Department of Education to make an on-site visit to further clarify and resolve the issue. All complaints must be resolved within 60 days unless given written explanation.

(iv) The State Superintendent of Education will review, hear, and rule on grievances from students or the local board of education which have not been resolved by the Assistant Superintendent or other designee. The decision of the State Superintendent shall be final.

(k) Transfers from Non-Accredited Schools/School Setting(s). Any school/school setting not accredited by an accrediting agency recognized by the State Board of Education shall be considered a non-accredited school for the purpose of transfer of class/grade credit. Core courses shall be defined as English, mathematics, science, and social studies.

1. The transfer of credits and/or appropriate placement shall be as follows:

(i) Credit for elective courses shall be transferred without validation.

(ii) Non-contested credit for core courses shall be transferred as follows:

(I) Using all official records and nationally standardized tests, the principal or his/her designee shall determine placement and notify the student and the parent(s)/guardian(s).

(II) If the parent(s)/guardian(s) agrees with the placement decision, the student shall be placed.

(III) Following placement, for any initial core course successfully completed, transfer of previous credit earned at a non-accredited school(s) in that subject area shall be accepted without further validation.

(iii) Contested credit for core courses shall be transferred as follows:

I. If the parent(s)/guardian(s) disagree with the placement decision, the principal or his/her designee shall supervise the administration of the school's most recent semester test for each prerequisite core course in which the parent/guardian is requesting enrollment. For each test the student passes as determined by the school grading scale, the student shall be placed in the next level core course and credit shall be transferred for prerequisite courses.

II. For any test failed, placement shall be made as originally recommended by school officials and no credit shall be transferred for the prerequisite course(s) in that subject.

2. In the event of controversial records/transcripts or the absence of records, the student shall take placement tests consisting of the school's previous semester tests for core courses.

(l) Transfers from Accredited Schools: A student transferring to an Alabama public school from a public or non-public school accredited by an accrediting agency recognized by the State Board of Education will have all credits and current class/grade placement accepted without validation upon the receipt of an official transcript(s).

(m) High School Graduation Exam/Local Board of Education Requirements: All transfer students must pass the Alabama Basic Skills Exit Exam/Alabama High School Graduation Examination and meet local board of education graduation requirements.

(8) Diploma Requirements. Effective for students who begin the ninth grade in the 1996-97 school year, to earn an Alabama high school diploma, students shall pass the required assessment and earn the required credits for the Alabama High School Diploma or the Alabama High School Diploma with Advanced Academic Endorsement. A local board of education may establish requirements for receipt of diplomas and endorsements, but any diploma or endorsement shall include the requirements for the Alabama High School Diploma. The Alabama state course of study shall be followed in determining minimum required content in each discipline. Content of courses not defined in the Alabama courses of study shall be approved by the local board of education. Refer to AAC Rule 290-3-1-.02(08)(g) for requirements of the Alabama Occupational Diploma.

(a) Alabama High School Diploma.