Homeschooling in Alabama

The Code of Alabama 1975

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:

(l) 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 Superintendent of Education;

b. The 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-l2, 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 16-28-3

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

Every child between the ages of seven and 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 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.)

Section16-28-5

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 use 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.)

Section16-28-7

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 the 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 17 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 17 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 16-28-16

Cases of non-enrollment and non-attendance; 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 non-enrollment and of non-attendance. In all cases investigated where no valid reason for non-enrollment or non-attendance 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 non-enrollment or non-attendance was without a 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; Act2001-344, p. 446, §1.)

Section 16-1-11

Private schools to register and report; section not applicable to church schools.

All private schools or institutions of any kind having a school in connection therewith, except church schools as defined in Section 16-28-1, shall register annually on or before October 10

with the Department of Education and shall report on uniform blanks furnished by the State Superintendent of Education, giving such statistics as relate to the number of pupils, the number of instructors, enrollment, attendance, course of study, length of term, cost of tuition, funds, value of property and the general condition of the school.

(School Code 1927, §599; Code 1940, T. 52, §547; Acts 1982, No. 82-218, p. 260, §2.)

290-3-1-.02(7) 290-3-1-.02(7)(b)1.(ii)(II)

(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 a student is:

I. Enrolled in public school;

II. Enrolled in a General Education 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 in 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 the SDE guidelines.

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

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

(I) Develop a form for documenting enrollment status;

(II) Adopt an appeals procedure and

290-3-1-.02(7)(j) 290-3-1-.02(7)(l)

(j) 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 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) agree with the placement decision, the student shall be placed.

(III) Following placement, for any initial core course 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.

(k) 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).

(l) 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.

(h-l) Except in case of bona fide change of residence or other circumstances equally valid for making an exception, a student is not to be graduated from high school unless he has been in continuous attendance therein during the entire high school year immediately preceding the date of graduation. If so desired, a local board of education may require students residing within its attendance zone and transferring from a non-accredited school/school setting to attend its school(s) for two (2) entire high school years immediately preceding the date of graduation. In the event of the transfer from one school to another of a twelfth grade student who wishes to become a candidate for graduation at the end of the year, the school receiving the student should require approval in writing of the transfer and the student's candidacy for graduation from the principal of the school from which the student has withdrawn. The letter of approval together with the necessary memoranda should be filed with the transcript of the student's record from the discharging school. In case of doubt as to procedure or appropriate action in such case, either or both of the principals of the schools concerned should discuss the matter with the State Department of Education.

(i-l) High school diplomas shall be issued only upon the authority of the county or city board of education and shall be on forms prescribed or approved by the board. Diplomas shall bear the signature of the local superintendent of education and the principal of the school. It is recommended that the signature of the chairman of the city or county board of education be included also.

(j-l) All state public secondary schools shall have the “Great Seal of Alabama” on the face of the diploma issued by the school.

(k-l) High schools not authorized to issue a diploma as result of GED tests or any other tests with exception of the Alabama High School Graduation Exam which must be passed in conjunction with the units listed AAC Rule 290-3-1-.02 (8.1)(a-l).

(l-l) In special cases a student may be enrolled in fewer than four subjects if circumstances warrant a special schedule. This must be approved by the principal.

(m-l) Special Education students should follow the program guidelines of the State Department of Education.

(n-l) Adult Basic Education students will follow the prescribed regulations for adults.

(o-l) All schools shall follow the course offering requirements contained in courses of study as published by the Alabama State Department of Education. A list of courses of studies may be obtained without cost from the State Superintendent of Education, Montgomery, AL 36130.

EQUAL EDUCATIONAL OPPORTUNITIES

Etowah County School System does not discriminate on the basis of sex, race, national origin, creed, age, marital status or disability in its educational programs, activities, or employment policies as required by Title VI ABD Title VII of the 1964 Civil Rights Act, Title IX of the 1972 Educational Amendments and Section 504 of the Federal Rehabilitation Act of 1973, and the Americans with Disabilities Act (ADA). Etowah County School System utilizes curriculum materials that reflect the cultural and racial diversity present in the United States and the variety of careers and roles open to women, as well as men, in our society. An objective of the total curriculum and teaching strategies is to reduce stereotyping and to eliminate bias on the issue of sex, race, religion, and disability. The curriculum should foster respect and appreciation for the cultural diversity found in our country and an awareness of the rights, duties, and responsibilities of each individual as a member of a pluralistic society. Inquiries regarding compliance with Title VI, Title IX, Section 504, and ADA may be directed to the Federal Programs Coordinator, Etowah County Board of Education, 401 Broad Street, Gadsden, AL 35901; (256) 549-7560.