



2001-099

STATE OF ALABAMA
OFFICE OF THE ATTORNEY GENERAL

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February 22, 2001

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Honorable Tom Woodard
District Court Judge
Pickens County
P. O. Box 426
Carrollton, AL 35447

Schools – Compulsory Attendance

A child of sixteen years or older has a legal duty to attend school until he or she obtains a certificate of exemption from the superintendent.

Dear Judge Woodard:

This opinion of the Attorney General is issued in response to your request.

QUESTION

Whether there is a legal duty to attend school beyond the age specified in the Compulsory Attendance statute.

FACTS AND ANALYSIS

Your request is summarized as follows:

Assume that a child is sixteen years of age or older and presently enrolled in a public school within the state, and that said child is brought into juvenile court upon proper petition of the school attendance officer for truancy. Under the aforementioned facts, can the child be determined to be truant and in need of supervision, and can the parent/custodian of such child be convicted of contributing to the dependency/need of supervision of such child?

A thorough review of the case law and statutes in Alabama is dispositive of this issue. Chapter 28 of title 16 of the Code of Alabama contains numerous references to attendance requirements for those children falling within the compulsory age limits. All children between the ages of seven and sixteen years of age shall be required to attend a public school or other appropriate institution. ALA. CODE § 16-28-3 (1995). The object of the compulsory education law is that all children shall be educated at least to the extent thereby prescribed. In other words, there is a minimum educational requirement. *Ogle v. Ogle*, 275 Ala. 483, 156 So. 2d 345 (1963).

Section 16-28-6(a)(2) of the Code of Alabama provides, in pertinent part, that upon issuance of certificates of exemption by the superintendent of education, the person shall not be required to attend school if the child is sixteen years of age and upward. ALA. CODE § 16-28-6(a)(2) (1995). If a child is sixteen or older, and does not obtain a certificate of exemption from the superintendent of education, that child is required to attend school.

CONCLUSION

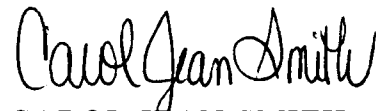
A child of sixteen years of age or older is required to attend school unless he or she obtains a certificate of exemption from his or her superintendent. Accordingly, it is the opinion of this Office that a child of sixteen years or older has a legal duty to attend school until he or she obtains a certificate of exemption from the superintendent.

I hope this opinion answers your question. If this Office can be of further assistance, please contact Larry E. Craven, Office of General Counsel, State Department of Education.

Sincerely,

BILL PRYOR
ATTORNEY GENERAL

By:



CAROL JEAN SMITH
Chief, Opinions Division