

1 HB84  
2 145703-5  
3 By Representative Fincher  
4 RFD: Education Policy  
5 First Read: 05-FEB-13  
6 PFD: 01/24/2013

2  
3  
4  
5  
6  
7  
8 SYNOPSIS: This bill would establish the Local Control  
9 School Flexibility Act of 2013.

10 This bill would authorize the establishment  
11 of innovative schools and school systems in the  
12 State of Alabama.

13 This bill would allow the State Board of  
14 Education to enter into a school flexibility  
15 contract with a local school system to allow for  
16 programmatic flexibility or budgetary flexibility,  
17 or both, from state laws, including State Board of  
18 Education rules, regulations, and policies in  
19 exchange for academic and associated goals for  
20 students that focus on college and career  
21 readiness.

22 This bill would require the local board of  
23 education to submit a document of assurance that  
24 the local board shall provide consistency in  
25 leadership and a commitment to the standards,  
26 assessments, and academic rigor expected in  
27 Alabama.

1                   This bill would require the local school  
2                   system to submit a proposed innovation plan  
3                   recommended by the local superintendent of  
4                   education and approved by the local board of  
5                   education to the State Superintendent of Education  
6                   in order to qualify for innovation status.

7                   This bill would also authorize the State  
8                   Board of Education to promulgate any necessary  
9                   rules and regulations as required for  
10                  implementation.

11  
12                                   A BILL  
13                                   TO BE ENTITLED  
14                                   AN ACT  
15

16                   To establish the Local Control School Flexibility  
17                   Act of 2013, relating to public K-12 education; to authorize  
18                   the establishment of innovative schools and school systems in  
19                   the state; to provide legislative findings and purposes; to  
20                   provide an overview; to authorize the State Board of Education  
21                   to enter into school flexibility contracts with local school  
22                   systems; to require the local board of education to submit a  
23                   document of assurance; to require the State Board of Education  
24                   to promulgate rules and regulations relating to innovative  
25                   school systems; to require local school systems to submit an  
26                   innovation plan to the State Department of Education in order

1 to qualify for innovation status; and to provide for an  
2 effective date.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

4 Section 1. This act shall be known and may be cited  
5 as the Local Control School Flexibility Act of 2013.

6 Section 2. (a) Innovative schools and school systems  
7 may be established in Alabama in accordance with this act.

8 (b) The purpose of this act is to advance the  
9 benefits of local school and school system autonomy in  
10 innovation and creativity by allowing flexibility from state  
11 laws, regulations, and policies.

12 Section 3. (a) The Legislature finds and declares  
13 all of the following:

14 (1) To further the goals of public education  
15 throughout the state, each school system should be able to  
16 have maximum possible flexibility to meet the needs of  
17 students and the communities within its jurisdiction.

18 (2) There is a critical need for innovative models  
19 of public education that are tailored to the unique  
20 circumstances and needs of the students in all schools and  
21 communities, and especially in schools and communities that  
22 are struggling to improve academic outcomes and close the  
23 achievement gap.

24 (3) To better serve students and better use  
25 available resources, local boards of education and local  
26 school systems need the ability to explore flexible

1 alternatives in an effort to be more efficient and effective  
2 in providing operational and programmatic services.

3 (b) Therefore, it is the intent of the Legislature  
4 to do all of the following:

5 (1) Allow school systems greater flexibility in  
6 meeting the educational needs of a diverse student population.

7 (2) Improve educational performance through greater  
8 individual school autonomy and managerial flexibility with  
9 regard to programs and budgetary matters.

10 (3) Encourage innovation in education by providing  
11 local school systems and school administrators with greater  
12 control over decisions including, but not limited to,  
13 budgetary matters, staffing, personnel, scheduling, and  
14 educational programming, including curriculum and instruction.

15 Section 4. For the purposes of this act, the  
16 following terms shall have the following meanings:

17 (1) FLEXIBILITY CONTRACT. A school flexibility  
18 contract between the local school system and the State Board  
19 of Education wherein a local school system may apply for  
20 programmatic flexibility or budgetary flexibility, or both,  
21 from state laws, regulations, and policies, including  
22 regulations and policies promulgated by the State Board of  
23 Education and the State Department of Education.

24 (2) INNOVATION PLAN. The request of a local school  
25 system for flexibility and plan for annual accountability  
26 measures and five-year targets for all participating schools  
27 within the school system.

1                   (3) LOCAL BOARD OF EDUCATION. A city or county board  
2 of education that exercises management and control of a local  
3 school system pursuant to state law.

4                   (4) LOCAL SCHOOL SYSTEM. A public agency that  
5 establishes and supervises one or more public schools within  
6 its geographical limits pursuant to state law.

7                   (5) SCHOOL ADMINISTRATOR. A local superintendent of  
8 education or local school principal, unless otherwise  
9 specified.

10                   Section 5. (a) Pursuant to this act, to be  
11 considered as an innovative school system, a local school  
12 system shall successfully comply with the requirements and  
13 procedures set forth by the State Department of Education  
14 regarding school flexibility contracts, which include, but are  
15 not limited to:

16                   (1) Submission to the State Department of Education  
17 of a letter of intent to pursue a school flexibility contract.

18                   (2) Submission to the State Department of Education  
19 of a resolution adopted by the local board of education  
20 supporting the intent of the local school system to pursue a  
21 school flexibility contract.

22                   (3) Submission to the State Department of Education  
23 of a document of assurance stating that the local board of  
24 education shall provide consistency in leadership and a  
25 commitment to state standards, assessments, and academic  
26 rigor.

1           (4) Submission to the State Board of Education of a  
2 resolution adopted by the local board of education supporting  
3 the flexibility contract proposal and the anticipated timeline  
4 of the local school system.

5           (b) Pursuant to State Board of Education rules, each  
6 local school system shall provide an opportunity for full  
7 discussion and public input before submitting a school  
8 flexibility contract proposal to the State Board of Education.

9           (c) A local school system shall ensure that its  
10 school flexibility contract proposal and innovation plan is  
11 easily accessible to the general public on the website of the  
12 local school system.

13           Section 6. (a) The innovation plan of a local school  
14 system shall include, at a minimum, all of the following:

15           (1) The school year that the local school system  
16 expects the school flexibility contract to begin.

17           (2) The list of state laws, regulations, and  
18 policies, including rules, regulations, and policies  
19 promulgated by the State Board of Education and the State  
20 Department of Education, that the local school system is  
21 seeking to waive in its school flexibility contract.

22           (3) A list of schools included in the innovation  
23 plan of the local school system.

24           (b) A local school system is accountable to the  
25 state for the performance of all schools in its system,  
26 including innovative schools, under state and federal  
27 accountability requirements.

1 (c) A local school system may not, pursuant to this  
2 act, waive requirements imposed by federal law, requirements  
3 related to the health and safety of students or employees,  
4 requirements imposed by open records or open meetings laws,  
5 requirements related to financial or academic reporting or  
6 transparency, requirements designed to protect the civil  
7 rights of students or employees, requirements related to  
8 participation in a state retirement system or state health  
9 insurance plan, or requirements imposed by Section 16-13-231,  
10 Code of Alabama 1975. This act may not be construed to allow a  
11 local school system to compensate a current employee at an  
12 annual rate that is less than the amount the current employee  
13 would otherwise be afforded through the State Minimum Salary  
14 Schedule included in the annual Education Trust Fund  
15 Appropriations Act in force at the time. Additionally, this  
16 act may not be construed to allow a local school system to  
17 require any employee to involuntarily relinquish any rights or  
18 privileges acquired by that employee as a result of attaining  
19 tenure or nonprobationary status.

20 (d) The State Department of Education shall finalize  
21 all school data and the local school system shall seek  
22 approval of the local board of education before final  
23 submission to the State Department of Education and the State  
24 Board of Education.

25 (e) The final innovation plan, as recommended by the  
26 local superintendent of education and approved by the local



1 board of education, shall accompany the formal submission of  
2 the local school system to the State Department of Education.

3 (f) The State Board of Education shall promulgate  
4 any necessary rules and regulations required to implement this  
5 act including, but not limited to, all of the following:

6 (1) The specification of timelines for submission  
7 and approval of the innovation plan and school flexibility  
8 contract of a local school system.

9 (2) An authorization for the State Department of  
10 Education, upon approval by the State Board of Education after  
11 periodic review, to revoke a school flexibility contract for  
12 noncompliance or nonperformance, or both, by a local school  
13 system.

14 (3) An outline of procedures and necessary steps  
15 that a local school system shall follow, upon denial of an  
16 original submission, to amend and resubmit an innovation plan  
17 and school flexibility contract for approval.

18 Section 7. The State Board of Education and the  
19 State Department of Education shall ensure equal opportunity  
20 for all school systems that apply for programmatic flexibility  
21 or budgetary flexibility, or both, as delineated in this act,  
22 and in no way shall one local school system be favored over  
23 another local school system based upon its size, location,  
24 student population, or any other possible discriminatory  
25 measure.

1                   Section 8. This act shall become effective  
2 immediately following its passage and approval by the  
3 Governor, or its otherwise becoming law.