

1 SB246
2 164253-2
3 By Senator Orr
4 RFD: Education and Youth Affairs
5 First Read: 17-MAR-15

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8 SYNOPSIS: Under existing law, a high school student
9 may take college courses if it fits into his or her
10 schedule.

11 This bill would establish a program allowing
12 eligible 11th and 12th grade students admitted
13 unconditionally to an eligible Alabama public
14 postsecondary institution to take all courses at
15 the eligible public institution and receive high
16 school credit for the course work with the goal of
17 completing graduation and high school diploma
18 requirements.

19 This bill would authorize the Department of
20 Education to pay an institution of higher learning
21 for courses taken pursuant to the program through
22 appropriation of state funds, the amount being the
23 lesser of either the actual cost of tuition or the
24 amount the student would have earned for the local
25 school system had the student been in equivalent
26 instructional programs in the school system.

1 This bill would prohibit an institution of
2 higher learning from charging a student for
3 postsecondary course work taken pursuant to the
4 program.

5 This bill would authorize the Department of
6 Education to promulgate regulations.

7 This bill would also create criminal
8 penalties for any person who enables an institution
9 of higher learning to wrongfully obtain payments
10 under this program.

11 Amendment 621 of the Constitution of Alabama
12 of 1901, now appearing as Section 111.05 of the
13 Official Recompilation of the Constitution of
14 Alabama of 1901, as amended, prohibits a general
15 law whose purpose or effect would be to require a
16 new or increased expenditure of local funds from
17 becoming effective with regard to a local
18 governmental entity without enactment by a 2/3 vote
19 unless: it comes within one of a number of
20 specified exceptions; it is approved by the
21 affected entity; or the Legislature appropriates
22 funds, or provides a local source of revenue, to
23 the entity for the purpose.

24 The purpose or effect of this bill would be
25 to require a new or increased expenditure of local
26 funds within the meaning of the amendment. However,
27 the bill does not require approval of a local

1 governmental entity or enactment by a 2/3 vote to
2 become effective because it comes within one of the
3 specified exceptions contained in the amendment.
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5 A BILL
6 TO BE ENTITLED
7 AN ACT
8

9 Relating to public high school education; to
10 establish a program allowing eligible 11th and 12th grade
11 students admitted unconditionally to an eligible Alabama
12 public postsecondary institution to take all courses at the
13 eligible public institution and receive high school credit for
14 the course work with the goal of completing graduation and
15 high school diploma requirements; to authorize the Department
16 of Education to pay an institution of higher learning for
17 courses taken pursuant to the program through appropriation of
18 state funds, the amount being the lesser of either the actual
19 cost of tuition or the amount the student would have earned
20 for the local school system had the student been in equivalent
21 instructional programs in the school system; to prohibit an
22 institution of higher learning from charging a student for
23 postsecondary course work taken pursuant to the program; to
24 authorize the Department of Education to promulgate
25 regulations; to create criminal penalties for any person who
26 enables an institution of higher learning to wrongfully obtain
27 payments under this program; and in connection therewith would

1 have as its purpose or effect the requirement of a new or
2 increased expenditure of local funds within the meaning of
3 Amendment 621 of the Constitution of Alabama of 1901, now
4 appearing as Section 111.05 of the Official Recompilation of
5 the Constitution of Alabama of 1901, as amended.

6 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

7 Section 1. (a) As used in this section, the
8 following words have the following meanings:

9 (1) BOARD. The State Board of Education.

10 (2) DEPARTMENT. The Department of Education.

11 (3) ELIGIBLE INSTITUTION or INSTITUTION. Any public
12 institution of higher learning in the state, including public
13 two-year and four-year institutions of higher education and
14 postsecondary technical colleges, community colleges, and
15 junior colleges.

16 (4) ELIGIBLE STUDENT. A student entering 11th or
17 12th grade who spent the prior school year in attendance at a
18 public high school in the state.

19 (5) PROGRAM. The arrangement authorized by this
20 section whereby an eligible student takes all of his or her
21 courses, approved by the State Board of Education, at an
22 eligible institution and receives secondary credit from his or
23 her high school with the goal of completing graduation and
24 high school diploma requirements.

25 (6) SECONDARY CREDIT. High school credit for courses
26 taken at an eligible institution under this program.

1 (b) Any eligible student may apply to an eligible
2 institution to take courses at that institution which are
3 approved for secondary credit pursuant to subsection (d). If
4 accepted at an eligible institution, an eligible student may
5 take any such approved course at that institution, whether or
6 not the course is taught during the regular public school day,
7 and receive secondary credit. While taking courses at an
8 eligible institution, a student shall be considered a student
9 of that institution and may not take any courses at his or her
10 high school. An eligible institution that accepts an eligible
11 student authorized to apply for enrollment under the program
12 may not receive any state funds for that student unless the
13 institution complies with the requirements of this section.

14 (c) The department shall develop appropriate forms
15 and counseling guidelines for the program and shall make such
16 forms and guidelines available to local school systems and
17 eligible institutions. No later than April 1 of each year,
18 each local school system shall provide general information
19 about the program, including the forms, to all its 10th and
20 11th grade students. A local school system shall also provide
21 counseling services in accordance with the counseling
22 guidelines provided by the department to its students and
23 parents or guardians before a student enrolls in the program.
24 Prior to participating in the program, a student and student's
25 parent or guardian shall sign the form provided by the school
26 system or by an eligible institution stating that they have
27 received the counseling specified in this subsection and that

1 they understand the responsibilities that shall be assumed in
2 participating in the program.

3 (d) (1) A local school system shall grant academic
4 credit to an eligible student enrolled in a course in an
5 eligible institution if that course has been approved by the
6 board and if the student successfully completes that course.
7 The board shall approve any such course that is substantially
8 comparable to a state approved course other than a remedial,
9 learning support, or summer school course. The secondary
10 credit granted shall be for the comparable course. Upon
11 completion of an eligible institution's approved course, the
12 eligible student shall be responsible for requesting that the
13 institution notify the student's local school system regarding
14 his or her grade in that course.

15 (2) Secondary school credits granted for eligible
16 institution courses under subdivision (1) shall be counted
17 toward graduation requirements and subject area requirements
18 of the local school system. Evidence of successful completion
19 of each course and secondary credits granted shall be included
20 in the eligible student's high school transcript. Secondary
21 credit for postsecondary courses shall be awarded as follows:

22 a. One to two semester hour credits equal .5 high
23 school unit credit;

24 b. Three to five semester hours credits equal 1 high
25 school unit credit;

26 c. One to three quarter hour credits equal .5 high
27 school unit credit;

1 d. Four to eight quarter hour credits equal 1 high
2 school unit credit.

3 (3) The board shall establish rules to require local
4 school systems to award a high school diploma to any eligible
5 student who is enrolled at an eligible institution under the
6 program as long as the credit earned at the institution
7 satisfies course requirements needed for the eligible student
8 to complete high school graduation and the student meets all
9 state assessment requirements. The department shall consult
10 with the Commission on Higher Education in developing
11 regulations to be recommended to the State Board of Education
12 for approval regarding the eligibility criteria for program
13 participation.

14 (e)(1) The department shall pay to eligible
15 institutions through appropriation of state funds the lesser
16 of the following amounts for each participating eligible
17 student enrolled therein, less a records fee of two hundred
18 dollars (\$200) for the administration costs of the local
19 school system:

20 a. The actual cost of tuition, materials, and fees
21 directly related to the courses taken by the eligible student
22 at the institution; or

23 b. The amount that the participating eligible
24 student would have earned if he or she had been in equivalent
25 instructional programs in the local school system.

26 (2) The total allotment of state funds to the local
27 school system in which a participating student is enrolled at

1 an eligible institution pursuant to this section shall be
2 calculated as otherwise provided in Title 16, Code of Alabama
3 1975, with an ensuing reduction equivalent to the amount of
4 state funds appropriated to the eligible institution pursuant
5 to this subsection.

6 (3) The records fee contained in subdivision (1) may
7 be increased by the State Board of Education by up to four
8 percent annually, at the board's sole discretion.

9 (4) An eligible institution may not charge an
10 eligible student for course work taken pursuant to this
11 program and shall accept the payment made pursuant to
12 subdivision (1) as full payment for the eligible student.

13 (f) The board shall promulgate regulations relating
14 to applicable state and federal testing requirements for
15 eligible students participating in the program.

16 (g) A student enrolled in an eligible institution
17 for secondary credit shall not be eligible for any other state
18 student financial aid for courses taken under the program.

19 (h) Any person who knowingly makes or furnishes any
20 false statement or misrepresentation, or who accepts a
21 statement or misrepresentation knowing it to be false, for the
22 purpose of enabling an eligible institution to obtain
23 wrongfully any payment under this section shall be guilty of a
24 misdemeanor.

25 Section 2. Although this bill would have as its
26 purpose or effect the requirement of a new or increased
27 expenditure of local funds, the bill is excluded from further

1 requirements and application under Amendment 621, now
2 appearing as Section 111.05 of the Official Recompilation of
3 the Constitution of Alabama of 1901, as amended, because the
4 bill defines a new crime or amends the definition of an
5 existing crime.

6 Section 3. This act shall become effective on the
7 first day of the third month following its passage and
8 approval by the Governor, or its otherwise becoming law.