

1 SB329
2 166837-2
3 By Senators Coleman, Dunn, Brewbaker and Singleton
4 RFD: Education and Youth Affairs
5 First Read: 02-APR-15

1 SB329

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4 ENGROSSED

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7 A BILL
8 TO BE ENTITLED
9 AN ACT

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11 To amend Section 16-6D-4, Code of Alabama 1975,
12 relating to definitional phrases for the Alabama
13 Accountability Act of 2013; to provide further for the
14 definition of failing school.

15 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

16 Section 1. Section 16-6D-4, Code of Alabama 1975, is
17 amended to read as follows:

18 "§16-6D-4.

19 "For the purposes of this chapter, the following
20 terms shall have the following meanings:

21 "(1) EDUCATIONAL SCHOLARSHIPS. Grants made by a
22 scholarship granting organization to cover all or part of the
23 tuition and mandatory fees charged by a qualifying school to
24 an eligible student receiving a scholarship.

25 "(2) ELIGIBLE STUDENT. A student who satisfies all
26 of the following:

1 "a. Is a member of a household whose total annual
2 income the year before he or she receives an educational
3 scholarship under this program does not exceed an amount equal
4 to 150 percent of the median household income. Once a student
5 receives an educational scholarship under this program, the
6 student shall remain eligible regardless of household income
7 until the student graduates high school or reaches 19 years of
8 age.

9 "b. Was eligible to attend a public school in the
10 preceding semester or is starting school in Alabama for the
11 first time.

12 "c. Resides in Alabama while receiving an
13 educational scholarship.

14 "(3) FAILING SCHOOL. A public K-12 school that is
15 one or more of the following:

16 ~~"a. Is labeled as persistently low-performing by the
17 State Department of Education, in the then most recent United
18 States Department of Education School Improvement Grant
19 application.~~

20 ~~"b. a. Is designated as a failing school by the
21 State Superintendent of Education.~~

22 ~~"c. b. Does not exclusively serve a special
23 population of students and, until June 1, 2017, has been
24 listed three or more times during the then-most recent six
25 years in the lowest six percent of public K-12 schools on the
26 state standardized assessment in reading and math or, on or~~

1 after June 1, 2017, has, during the then-most recent three
2 years, earned at least one grade of "F" or, during the
3 then-most recent four years, earned at least three grades of
4 "D" on the school grading system developed pursuant to Section
5 16-6C-2. In the event sufficient rules required to implement
6 the grading system provided for by Section 16-6C-2 have not
7 been implemented pursuant to the Alabama Administrative
8 Procedure Act in time to provide a sufficient record to
9 implement this subdivision by June 1, 2017, then a failing
10 school shall be a school that has been listed in the lowest 10
11 percent of public K-12 schools in the state standardized
12 assessment in reading and math.

13 "(4) FLEXIBILITY CONTRACT. A school flexibility
14 contract between the local school system and the State Board
15 of Education wherein a local school system may apply for
16 programmatic flexibility or budgetary flexibility, or both,
17 from state laws, regulations, and policies, including
18 regulations and policies promulgated by the State Board of
19 Education and the State Department of Education.

20 "(5) INNOVATION PLAN. The request of a local school
21 system for flexibility and plan for annual accountability
22 measures and five-year targets for all participating schools
23 within the school system.

24 "(6) LOCAL BOARD OF EDUCATION. A city or county
25 board of education that exercises management and control of a
26 local school system pursuant to state law.

1 "(7) LOCAL SCHOOL SYSTEM. A public agency that
2 establishes and supervises one or more public schools within
3 its geographical limits pursuant to state law.

4 "(8) LOW-INCOME ELIGIBLE STUDENT. A student of a
5 family with income equal to or less than two times the federal
6 poverty level.

7 "(9) NONPUBLIC SCHOOL. Any nonpublic or private
8 school, including parochial schools, not under the
9 jurisdiction of the State Superintendent of Education and the
10 State Board of Education, providing educational services to
11 children. A nonpublic school is accredited by a state
12 recognized accrediting agency that provides education to
13 elementary or secondary, or both, students and has notified
14 the State Department of Revenue of its intention to
15 participate in the scholarship program and comply with the
16 requirements of the scholarship program. A nonpublic school
17 does not include home schooling.

18 "(10) PARENT. The parent or legal guardian of a
19 student, with authority to act on behalf of the student, who
20 claims the student as a dependent on his or her Alabama state
21 income tax return.

22 "(11) QUALIFYING SCHOOL. Either a public school
23 outside of the resident school district that is not considered
24 failing under either state or federal standards or any
25 nonpublic school as defined in this chapter or that satisfies
26 the compulsory attendance requirements provided in Section

1 16-28-7. A qualified nonpublic school shall be accredited by
2 one of the six regional accrediting agencies or, if not so
3 accredited, shall satisfy all of the following conditions:

4 "a. Has been in existence for at least three years.

5 "b. Has daily attendance of at least 85 percent over
6 a two-year period.

7 "c. Has a minimum 180-day school year, or its hourly
8 equivalent.

9 "d. Has a day length of at least six and one-half
10 hours.

11 "e. Requires all students to take the Stanford
12 Achievement Test, or its equivalent.

13 "f. Requires all candidates for graduation to take
14 the American College Test before graduation.

15 "g. Requires students in high school in grades nine
16 through 12 to earn a minimum of 24 Carnegie credits before
17 graduating, including 16 credits in core subjects and
18 additional requirements in health and physical education, fine
19 arts, computer studies, and foreign language.

20 "h. Does not subject special education students to
21 the same testing or curricular requirements as regular
22 education students if it is not required in the individual
23 plan for the student.

24 "i. Maintains a current website that describes the
25 school and the instructional program of the school.

1 "j. Annually affirms on forms prescribed by the
2 scholarship granting organization and the department its
3 status financially and academically and provide other relative
4 information as required by the scholarship granting
5 organization or as otherwise required in this chapter.

6 "(12) SCHOLARSHIP GRANTING ORGANIZATION. An
7 organization that provides or is approved to provide
8 educational scholarships to students attending qualifying
9 schools of their parents' choice."

10 Section 2. This act shall become effective on the
11 first day of the third month following its passage and
12 approval by the Governor, or its otherwise becoming law.

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Senate

Read for the first time and referred to the Senate
committee on Education and Youth Affairs 02-APR-15

Read for the second time and placed on the calen-
dar 1 amendment..... 16-APR-15

Read for the third time and passed as amended 14-MAY-15

Yeas 28
Nays 0

Patrick Harris
Secretary