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3 HOUSE EDUCATION POLICY COMMITTEE SUBSTITUTE FOR SB229
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8 SYNOPSIS: Under existing law, each local board of
9 education is required to adopt a virtual education
10 option for students in grades nine to 12.

11 This bill would clarify existing law and
12 provide additional guidance for the local school
13 system providing a virtual school program and the
14 local school of residence of the student enrolled
15 in the program to use in determining the
16 distribution of state and federal funds to the
17 local school systems involved.

18
19 A BILL
20 TO BE ENTITLED
21 AN ACT
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23 To amend Sections 1 and 2 of Act 2015-89 of the 2015
24 Regular Session, now appearing as Sections 16-46A-1 and
25 16-46A-2, Code of Alabama 1975, relating to virtual schools;
26 to clarify existing law and provide additional guidance for
27 the local school system providing a virtual school program and

1 the local school of residence of the student enrolled in the
2 program to use in determining the distribution of state and
3 federal funds to the local school systems involved.

4 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

5 Section 1. Sections 1 and 2 of Act 2015-89 of the
6 2015 Regular Session, now appearing as Sections 16-46A-1 and
7 16-46A-2 of the Code of Alabama 1975, are amended to read as
8 follows:

9 "§16-46A-1.

10 "(a) Before the 2016-2017 school year, each local
11 board of education shall adopt a policy providing, at a
12 minimum, a virtual education option for eligible students in
13 grades nine to 12, inclusive, beginning with that school year.
14 In accordance with applicable rules and regulations of the
15 State Board of Education, nothing in this chapter shall
16 prohibit a local board of education from offering a virtual
17 option for eligible students in grades kindergarten to eight,
18 inclusive.

19 Any virtual school operating in this state that
20 provides educational services to public school students shall
21 comply with this chapter.

22 "(b) The policy adopted by the local board of
23 education pursuant to this chapter shall govern the virtual
24 school program offered by the local board of education. The
25 policy shall offer students in grades nine to 12, inclusive,
26 an online pathway for earning a high school diploma and, at a
27 minimum, shall include all of the following:

1 "(1) The scope and delivery of virtual options.

2 "(2) Student eligibility criteria for initial and
3 continuing participation in the virtual program.

4 "(3) Specific requirements for monitoring
5 performance and testing protocol consistent with this chapter.

6 "(4) Attendance requirements, if any.

7 "(c) A local board of education shall not be
8 required to utilize a state program or vendor for the
9 provision of virtual school options.

10 "§16-46A-2.

11 "(a) A ~~full-time~~ student enrolled full-time in a
12 virtual program shall be enrolled and counted in the average
13 daily membership of the local school, participate in state
14 testing and accountability requirements through the local
15 school system in which the student is enrolled, and, upon
16 satisfying the graduation requirements of the local board of
17 education, receive a diploma from the local school system
18 where enrolled.

19 "(b) (1) Any provision of this chapter to the
20 contrary notwithstanding, a student enrolled in a virtual
21 school program offered by ~~his or her~~ the local school system
22 where he or she resides shall be treated as if he or she is
23 attending ~~his or her~~ the local school in the attendance zone
24 in which ~~they reside~~ he or she resides for purposes of
25 participating in extracurricular activities and shall be
26 subject to the same requirements, including Alabama High
27 School Athletic Association rules, imposed on a traditional

1 public school student enrolled in the traditional public
2 school.

3 "In addition, if local board of education policy
4 permits inter-system transfer for all students, a student
5 enrolled under this policy shall be treated as if he or she is
6 attending his or her school of record for the purposes of
7 participating in extracurricular activities and shall be
8 subject to the same requirements, including Alabama High
9 School Athletic Association rules, imposed on a traditional
10 public school student enrolled in the traditional public
11 school.

12 "(2) For eligibility to participate in athletics in
13 accordance with the bylaws of the Alabama High School Athletic
14 Association, a nontraditional student including, but not
15 limited to, a virtual school student or a home school student,
16 shall be enrolled in the member school that serves the area in
17 which the parents of the student reside. A nontraditional
18 student is only eligible to participate in athletics at the
19 member school that serves the area where the parents of the
20 student reside, in accordance with all applicable Alabama High
21 School Athletic Association bylaws.

22 "(c) A board of education shall be exempt from any
23 provision of general law, local law, or administrative rule
24 that applies to the traditional delivery of instruction
25 including, but not limited to, requirements relating to the
26 physical presence of a student, student monitoring and
27 security, staffing requirements, transportation obligations,

1 facility requirements, space and location requirements, time
2 requirements, and physical education requirements to the
3 extent any of the foregoing conflict with the delivery of the
4 virtual program.

5 "(d) A local board of education is not subject to
6 online course restrictions imposed by the State Department of
7 Education.

8 "(e) Any online course delivery that is not
9 supported by the State Department of Education shall be
10 accredited by an institution recognized pursuant to
11 administrative rule adopted by the department.

12 "(f) Coursework offered through a virtual program
13 shall contain the required content as identified in the
14 applicable Alabama course of study."

15 Section 2. This act shall become effective
16 immediately following its passage and approval by the
17 Governor, or its otherwise becoming law.