

1 SB334
2 164253-3
3 By Senators Orr and Bussman
4 RFD: Finance and Taxation Education
5 First Read: 08-MAR-16

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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 coursework 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 provide for a one-time
2 appropriation from the Education Trust Fund to fund
3 the program during its first year of operation.

4 This bill would prohibit an institution of
5 higher learning from charging a student for
6 postsecondary coursework taken pursuant to the
7 program.

8 This bill would authorize the Department of
9 Education to promulgate regulations.

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

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

1 The purpose or effect of this bill would be
2 to require a new or increased expenditure of local
3 funds within the meaning of the amendment. However,
4 the bill does not require approval of a local
5 governmental entity or enactment by a 2/3 vote to
6 become effective because it comes within one of the
7 specified exceptions contained in the amendment.

8
9 A BILL
10 TO BE ENTITLED
11 AN ACT

12
13 Relating to public high school education; to
14 establish a program allowing eligible 11th and 12th grade
15 students admitted unconditionally to an eligible Alabama
16 public postsecondary institution to take all courses at the
17 eligible public institution and receive high school credit for
18 the coursework with the goal of completing graduation and high
19 school diploma requirements; to authorize the Department of
20 Education to pay an institution of higher learning for courses
21 taken pursuant to the program through appropriation of state
22 funds, the amount being the lesser of either the actual cost
23 of tuition or the amount the student would have earned for the
24 local school system had the student been in equivalent
25 instructional programs in the school system; to provide for a
26 one-time appropriation from the Education Trust Fund to fund
27 the program during its first year of operation; to prohibit an

1 institution of higher learning from charging a student for
2 postsecondary coursework taken pursuant to the program; to
3 authorize the Department of Education to promulgate
4 regulations; to create criminal penalties for any person who
5 enables an institution of higher learning to wrongfully obtain
6 payments under this program; and in connection therewith would
7 have as its purpose or effect the requirement of a new or
8 increased expenditure of local funds within the meaning of
9 Amendment 621 of the Constitution of Alabama of 1901, now
10 appearing as Section 111.05 of the Official Recompilation of
11 the Constitution of Alabama of 1901, as amended.

12 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

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

16 (2) DEPARTMENT. The Department of Education.

17 (3) ELIGIBLE INSTITUTION or INSTITUTION. Any public
18 institution of higher learning in the state, including public
19 two-year and four-year institutions of higher education and
20 postsecondary technical colleges, community colleges, and
21 junior colleges.

22 (4) ELIGIBLE STUDENT. A student entering 11th or
23 12th grade who spent the prior school year in attendance at a
24 public high school in the state.

25 (5) PROGRAM. The arrangement authorized by this
26 section whereby an eligible student takes all of his or her
27 courses, approved by the State Board of Education, at an

1 eligible institution and receives secondary credit from his or
2 her high school with the goal of completing graduation and
3 high school diploma requirements.

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

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

19 (c) The department shall develop appropriate forms
20 and counseling guidelines for the program and shall make such
21 forms and guidelines available to local school systems and
22 eligible institutions. No later than April 1 of each year,
23 each local school system shall provide general information
24 about the program, including the forms, to all its 10th and
25 11th grade students. A local school system shall also provide
26 counseling services in accordance with the counseling
27 guidelines provided by the department to its students and

1 parents or guardians before a student enrolls in the program.
2 Prior to participating in the program, a student and student's
3 parent or guardian shall sign the form provided by the school
4 system or by an eligible institution stating that they have
5 received the counseling specified in this subsection and that
6 they understand the responsibilities that shall be assumed in
7 participating in the program.

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

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

1 a. One to two semester hour credits equal .5 high
2 school unit credit;

3 b. Three to five semester hours credits equal 1 high
4 school unit credit;

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

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

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

21 (e) (1) Eligible institutions shall be paid, as
22 provided in subdivision (2), the lesser of the following
23 amounts for each participating eligible student enrolled
24 therein, less a records fee of two hundred dollars (\$200) for
25 the administration costs of the local school system:

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

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

7 (2) To fund the program during its first year of
8 operation, there is appropriated from the Education Trust Fund
9 the amount necessary to pay eligible institutions the amount
10 described in subdivision (1) for each participating eligible
11 student. Thereafter, the department shall pay to eligible
12 institutions through appropriation of state funds the amount
13 described in subdivision (1) for each participating eligible
14 student. The total allotment of state funds to the local
15 school system in which a participating student is enrolled at
16 an eligible institution shall be calculated as otherwise
17 provided in Title 16, Code of Alabama 1975, with an ensuing
18 reduction equivalent to the amount of state funds appropriated
19 to the eligible institution pursuant to this subsection.

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

23 (4) An eligible institution may not charge an
24 eligible student for coursework taken pursuant to this program
25 and shall accept the payment made pursuant to subdivision (1)
26 as full payment for the eligible student.

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

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

7 (h) Any person who knowingly makes or furnishes any
8 false statement or misrepresentation, or who accepts a
9 statement or misrepresentation knowing it to be false, for the
10 purpose of enabling an eligible institution to obtain
11 wrongfully any payment under this section shall be guilty of a
12 misdemeanor.

13 Section 2. Although this bill would have as its
14 purpose or effect the requirement of a new or increased
15 expenditure of local funds, the bill is excluded from further
16 requirements and application under Amendment 621, now
17 appearing as Section 111.05 of the Official Recompilation of
18 the Constitution of Alabama of 1901, as amended, because the
19 bill defines a new crime or amends the definition of an
20 existing crime.

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