

1 SB106
2 203790-2
3 By Senator Barfoot
4 RFD: Veterans and Military Affairs
5 First Read: 04-FEB-20

SYNOPSIS: Under existing law, the Alabama School Choice and Student Opportunity Act provides for the establishment of public charter schools in the state as part of the public education system of the state.

This bill would provide for the formation of charter schools on or near military installations with a focus on serving military dependents.

This bill would also preserve the tenure earned by a certificated teacher in a local school system who temporarily leaves employment in that school system to teach in a public charter school.

A BILL
TO BE ENTITLED
AN ACT

To amend Section 16-6F-5, Code of Alabama 1975, relating to the Alabama School Choice and Student Opportunity Act; to authorize the formation of charter schools near

1 military installations with a focus on serving military
2 dependents; and to add Section 16-6F-12 to the Code of Alabama
3 1975, to preserve the tenure earned by a certificated teacher
4 in a local school system who temporarily leaves employment in
5 that school system to teach in a public charter school.

6 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

7 Section 1. Section 16-6F-5 of the Code of Alabama
8 1975, is amended to read as follows:

9 "§16-6F-5.

10 "(a) Open enrollment.

11 "(1) A public charter school shall be open to any
12 student residing in the state.

13 "(2) A school system shall not require any student
14 enrolled in the school system to attend a start-up public
15 charter school.

16 "(3) A public charter school shall not limit
17 admission based on ethnicity, national origin, religion,
18 gender, income level, disability, proficiency in the English
19 language, or academic or athletic ability.

20 "(4) A public charter school may limit admission to
21 students within a given age group or grade level and may be
22 organized around a special emphasis, theme, or concept as
23 stated in the school's charter application, but fluency or
24 competence in the theme may not be used as a standard for
25 enrollment.

26 "(5) A public charter school shall enroll all
27 students who wish to attend the school, unless the number of

1 students exceeds the capacity of the facility identified for
2 the public charter school.

3 "(6) If facility capacity is insufficient to enroll
4 all students who wish to attend a start-up public charter
5 school, the school shall select students through a random
6 selection process. The school shall first enroll students who
7 reside within the school system in which the public charter
8 school is located. If the number of local students wanting to
9 enroll exceeds the facility's capacity, then the school shall
10 conduct a random selection process to enroll students. If the
11 school has additional capacity after admitting students from
12 the local school system, then the school shall admit any
13 students without regard to their residency by a random
14 selection process. The selection shall take place in a public
15 meeting, called by the governing body of the public charter
16 school, and following all posting and notice requirements
17 prescribed by the Alabama Open Meetings Act.

18 "(7) Any non-charter public school converting
19 partially or entirely to a public charter school shall adopt
20 and maintain a policy giving enrollment preference to students
21 who reside within the former attendance area of that public
22 school.

23 "After all students who reside within the former
24 attendance area of that public school are enrolled, enrollment
25 shall first be opened to students residing within the local
26 school system and then outside the local school system, as set
27 forth in subdivision (6).

1 "(8) A public charter school shall give enrollment
2 preference to students enrolled in the public charter school
3 the previous school year and to siblings of students already
4 enrolled in the public charter school.

5 "(9) A public charter school may give enrollment
6 preference to children of a public charter school's founders,
7 governing board members, and full-time employees, so long as
8 they constitute no more than 10 percent of the school's total
9 student population.

10 "(10) This subsection does not preclude the
11 formation of a public charter school whose mission is focused
12 on serving special education students, students of the same
13 gender, students who pose such severe disciplinary problems
14 that they warrant a specific educational program, or students
15 who are at risk of academic failure. Notwithstanding the
16 stated mission of the public charter school, any student may
17 attend.

18 "(11) This subsection does not preclude the
19 formation of a public charter school, that is located on or
20 within one mile of a military installation, whose mission is
21 focused on serving students who are dependents of military
22 members or Department of Defense civilian employees that are
23 permanently assigned to that military installation. If the
24 number of dependent students wanting to enroll exceeds the
25 facility's capacity, then the school shall conduct a random
26 selection process to enroll those students. If the school has
27 additional capacity after admitting those dependent students

1 of parents assigned to the military installation, then the
2 school shall admit students first from the local school system
3 by a random selection process and then without regard to their
4 residency by a random selection process, as capacity permits.
5 The selection shall take place in a public meeting, called by
6 the governing body of the public charter school, and following
7 all posting and notice requirements prescribed by the Alabama
8 Open Meetings Act.

9 "(b) Credit transferability. If a student who was
10 previously enrolled in a public charter school enrolls in
11 another public school in Alabama, the student's new school
12 shall accept credits earned by the student in courses or
13 instructional programs at the public charter school in a
14 uniform and consistent manner and according to the same
15 criteria that are used to accept academic credits from other
16 public schools. Nothing in this chapter shall prevent local
17 school systems from administering placement tests for newly
18 enrolled students who were previously enrolled in a public
19 charter school.

20 "(c) Determination of student capacity of public
21 charter schools. The capacity of the public charter school
22 shall be determined annually by the governing board of the
23 public charter school in conjunction with the authorizer and
24 in consideration of the public charter school's ability to
25 facilitate the academic success of its students, to achieve
26 the other objectives specified in the charter contract, and to

1 ensure that its student enrollment does not exceed the
2 capacity of its facility or site.

3 "(d) Student information. A public charter school
4 shall maintain records on all enrolled students utilizing the
5 state adopted Alabama Student Information System (ASIM)."

6 Section 2. Section 16-6F-12 is added to the Code of
7 Alabama 1975, to read as follows:

8 §16-6F-12.

9 Tenure earned by a certificated teacher employed by
10 a local school system pursuant to the Students First Act of
11 2011, shall not be affected by temporary employment of the
12 teacher by a public charter school. The tenure earned shall be
13 preserved and, upon reemployment of the certificated teacher
14 by the local school system, reinstated. No additional tenure
15 may accrue while the certificated teacher is employed by the
16 public charter school.

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