

1 SB103
2 208907-2
3 By Senators Barfoot and Butler
4 RFD: Veterans and Military Affairs
5 First Read: 02-FEB-21
6 PFD: 01/28/2021

1 SB103

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4 ENROLLED, An Act,

5 To amend Section 16-6F-5, Code of Alabama 1975,
6 relating to the Alabama School Choice and Student Opportunity
7 Act; to authorize the formation of public charter schools near
8 military installations with a focus on serving military
9 dependents.

10 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

11 Section 1. Section 16-6F-5 of the Code of Alabama
12 1975, is amended to read as follows:

13 "§16-6F-5.

14 "(a) Open enrollment.

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

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

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

24 "(4) A public charter school may limit admission to
25 students within a given age group or grade level and may be

1 organized around a special emphasis, theme, or concept as
2 stated in the school's charter application, but fluency or
3 competence in the theme may not be used as a standard for
4 enrollment.

5 "(5) A public charter school shall enroll all
6 students who wish to attend the school, unless the number of
7 students exceeds the capacity of the facility identified for
8 the public charter school.

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

1 "(7) Any non-charter public school converting
2 partially or entirely to a public charter school shall adopt
3 and maintain a policy giving enrollment preference to students
4 who reside within the former attendance area of that public
5 school.

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

11 "(8) A public charter school shall give enrollment
12 preference to students enrolled in the public charter school
13 the previous school year and to siblings of students already
14 enrolled in the public charter school.

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

20 "(10) This subsection does not preclude the
21 formation of a public charter school whose mission is focused
22 on serving special education students, students of the same
23 gender, students who pose such severe disciplinary problems
24 that they warrant a specific educational program, or students
25 who are at risk of academic failure. Notwithstanding the

1 stated mission of the public charter school, any student may
2 attend.

3 "(11) This subsection does not preclude the
4 formation of a public charter school, that is located on or
5 within one mile of a military installation, whose mission is
6 focused on serving students who are dependents of military
7 members or Department of Defense civilian employees that are
8 permanently assigned to that military installation. If the
9 number of dependent students wanting to enroll exceeds the
10 facility's capacity, then the school shall conduct a random
11 selection process to enroll those students. If the school has
12 additional capacity after admitting those dependent students
13 of parents assigned to the military installation, then the
14 school shall admit students first from the local school system
15 by a random selection process and then without regard to their
16 residency by a random selection process, as capacity permits.
17 The selection shall take place in a public meeting, called by
18 the governing body of the public charter school, and following
19 all posting and notice requirements prescribed by the Alabama
20 Open Meetings Act. Once the total number of students enrolled
21 in the school reaches 400, all additional admitted students
22 shall be dependents of military members or Department of
23 Defense civilian employees who are permanently assigned to
24 that military installation.

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

12 "(c) Determination of student capacity of public
13 charter schools. The capacity of the public charter school
14 shall be determined annually by the governing board of the
15 public charter school in conjunction with the authorizer and
16 in consideration of the public charter school's ability to
17 facilitate the academic success of its students, to achieve
18 the other objectives specified in the charter contract, and to
19 ensure that its student enrollment does not exceed the
20 capacity of its facility or site.

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

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

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President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB103

Senate 04-FEB-21

I hereby certify that the within Act originated in and passed the Senate.

Patrick Harris,
Secretary.

House of Representatives
Amended and passed 04-MAR-21

Senate concurred in House amendment 09-MAR-21

By: Senator Barfoot