

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

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.

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 military installations with a focus on serving military dependents.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1                   Section 1. Section 16-6F-5 of the Code of Alabama  
2 1975, is amended to read as follows:

3                   "§16-6F-5.

4                   "(a) Open enrollment.

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

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

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

14                   "(4) A public charter school may limit admission to  
15 students within a given age group or grade level and may be  
16 organized around a special emphasis, theme, or concept as  
17 stated in the school's charter application, but fluency or  
18 competence in the theme may not be used as a standard for  
19 enrollment.

20                   "(5) A public charter school shall enroll all  
21 students who wish to attend the school, unless the number of  
22 students exceeds the capacity of the facility identified for  
23 the public charter school.

24                   "(6) If facility capacity is insufficient to enroll  
25 all students who wish to attend a start-up public charter  
26 school, the school shall select students through a random  
27 selection process. The school shall first enroll students who

1       reside within the school system in which the public charter  
2       school is located. If the number of local students wanting to  
3       enroll exceeds the facility's capacity, then the school shall  
4       conduct a random selection process to enroll students who  
5       reside in the local school system. If the school has  
6       additional capacity after admitting students from the local  
7       school system, then the school shall admit any students  
8       without regard to their residency by a random selection  
9       process. The selection shall take place in a public meeting,  
10      called by the governing body of the public charter school, and  
11      following all posting and notice requirements prescribed by  
12      the Alabama Open Meetings Act.

13               "(7) Any non-charter public school converting  
14      partially or entirely to a public charter school shall adopt  
15      and maintain a policy giving enrollment preference to students  
16      who reside within the former attendance area of that public  
17      school.

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

23               "(8) A public charter school shall give enrollment  
24      preference to students enrolled in the public charter school  
25      the previous school year and to siblings of students already  
26      enrolled in the public charter school.

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

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

14           "(11) This subsection does not preclude the  
15 formation of a public charter school, that is located on or  
16 within one mile of a military installation, whose mission is  
17 focused on serving students who are dependents of military  
18 members or Department of Defense civilian employees that are  
19 permanently assigned to that military installation. If the  
20 number of dependent students wanting to enroll exceeds the  
21 facility's capacity, then the school shall conduct a random  
22 selection process to enroll those students. If the school has  
23 additional capacity after admitting those dependent students  
24 of parents assigned to the military installation, then the  
25 school shall admit students first from the local school system  
26 by a random selection process and then without regard to their  
27 residency by a random selection process, as capacity permits.

1 The selection shall take place in a public meeting, called by  
2 the governing body of the public charter school, and following  
3 all posting and notice requirements prescribed by the Alabama  
4 Open Meetings Act. Once the total number of students enrolled  
5 in the school reaches 400, all additional admitted students  
6 shall be dependents of military members or Department of  
7 Defense civilian employees who are permanently assigned to  
8 that military installation.

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