- 1 HB658
- 2 153598-6
- 3 By Representatives Carns and DeMarco
- 4 RFD: Ways and Means Education
- 5 First Read: 23-APR-13

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2	ENROLLED	. An	Act.

Accountability Act of 2013, Act 2013-64, 2013 Regular Session (Acts 2013); to revise definitions; to further limit what may be contained in a school flexibility contract; to provide for the calculation of tax credits for parents of students enrolled in or assigned to attend a failing school; to provide for the retention of certain funds by a failing school; to provide for treatment of students with disabilities; to provide no public or nonpublic school would be required to enroll a student; to prohibit discrimination; to revise the tax credit for corporate donors to scholarship programs; to provide for retroactive effect; and to further provide for the manner of payment of scholarships.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 4, 5, 8, and 9 of the Alabama Accountability Act of 2013, Act 2013-64, 2013 Regular Session (Acts 2013), are amended to read as follows:

"Section 4. For the purposes of this act, the following terms shall have the following meanings:

"(1) EDUCATIONAL SCHOLARSHIPS. Grants <u>made by a</u>
scholarship granting organization to any qualifying school to
cover all or part of the tuition and <u>mandatory</u> fees <u>charged by</u>

Τ.	<u>a</u> at the <u>quaritying</u> school for <u>to</u> an eligible student
2	receiving a scholarship.
3	"(2) ELIGIBLE STUDENT. A student who satisfies all
4	of the following:
5	"a. Is a member of a household whose total annual
6	income the year before he or she receives an educational
7	scholarship under this program does not exceed an amount equal
8	to 150 percent of the median household income. Once a student
9	receives an educational scholarship under this program, the
10	student shall remain eligible regardless of household income
11	until the student graduates high school or reaches 19 years of
12	age.
13	"b. Was eligible to attend a public school in the
14	preceding semester or is starting school in Alabama for the
15	first time.
16	"c. Resides in Alabama while receiving an
17	educational scholarship.
18	"(3) FAILING SCHOOL. A public K-12 school <u>(i)</u> that
19	is labeled as persistently low-performing by the State
20	Department of Education, in the then most recent United States
21	Department of Education School Improvement Grant application;
22	(ii) that is designated as a failing school by the State
23	Superintendent of Education; or (iii) that does not
24	exclusively serve a special population of students and, until
25	June 1, 2017, is has been listed three or more times during

the then-most recent six years in the lowest ten six percent 1 2 of public K-12 schools on the state standardized assessment in reading and math or, on or after June 1, 2017, that has, 3 during the then-most recent three years, earned at least one a4 5 grade of "F" or, during the then-most recent four years, earned at least three consecutive grades of "D" on the school 6 7 grading system developed pursuant to Section 16-6C-2, Code of 8 Alabama 1975; or that is designated a failing school by the 9 State Superintendent of Education. In the event sufficient 10 rules required to implement the grading system provided for by 11 Section 16-6C-2, Code of Alabama 1975, have not been implemented pursuant to the Alabama Administrative Procedure 12 13 Act in time to provide a sufficient record to implement this subdivision by June 1, 2017, then a failing school shall be a 14 15 school that has been listed in the lowest 10 percent of public 16 K-12 schools in the state standardized assessment in reading 17 and math.

"(4) FLEXIBILITY CONTRACT. A school flexibility contract between the local school system and the State Board of Education wherein a local school system may apply for programmatic flexibility or budgetary flexibility, or both, from state laws, regulations, and policies, including regulations and policies promulgated by the State Board of Education and the State Department of Education.

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1	"(5) INNOVATION PLAN. The request of a local school
2	system for flexibility and plan for annual accountability
3	measures and five-year targets for all participating schools
4	within the school system.

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- "(6) LOCAL BOARD OF EDUCATION. A city or county board of education that exercises management and control of a local school system pursuant to state law.
- "(7) LOCAL SCHOOL SYSTEM. A public agency that establishes and supervises one or more public schools within its geographical limits pursuant to state law.
- "(8) LOW-INCOME ELIGIBLE STUDENT. A student of a family with income equal to or less than two times the federal poverty level.
- "(9) NONPUBLIC SCHOOL. Any nonpublic or private school, including parochial schools, not under the jurisdiction of the State Superintendent of Education and the State Board of Education, providing educational services to children. A nonpublic school is accredited by a state recognized accrediting agency that provides education to elementary or secondary, or both, students and has notified the State Department of Revenue of its intention to participate in the scholarship program and comply with the requirements of the scholarship program. A nonpublic school does not include home schooling.

1	"(10) PARENT. The parent or legal guardian of a
2	student, with authority to act on behalf of the student, who
3	claims the student as a dependent on his or her federal
4	<u>Alabama state</u> income tax return.
5	"(11) QUALIFYING SCHOOL. Either a public school
6	outside of the resident school district that is not considered
7	failing under either state or federal standards or any
8	nonpublic school as defined in this act or that satisfies the
9	compulsory attendance requirements provided in Section
10	16-28-7, Code of Alabama 1975. A qualified nonpublic school
11	shall be accredited by one of the six regional accrediting
12	agencies or, if not so accredited, shall satisfy that
13	satisfies all of the following conditions:
14	"a. Be <u>Has been</u> in existence for at least three
15	years.
16	"b. Have <u>Has</u> daily attendance of at least 85 percent
17	over a two-year period.
18	"c. Have <u>Has</u> a minimum 180-day school year, or its
19	hourly equivalent.
20	"d. Have <u>Has</u> a day length of at least six and
21	one-half hours.
22	"e. Require Requires all students to take the
23	Stanford Achievement Test, or its equivalent.
24	"f. Require Requires all candidates for graduation

to take the American College Test before graduation.

1	"g. Require <u>Requires</u> students in high school in
2	grades nine through 12 to earn a minimum of 24 Carnegie
3	credits before graduating, including 16 credits in core
4	subjects and additional requirements in health and physical
5	education, fine arts, computer studies, and foreign language.
6	"h. Not Does not subject special education students
7	to the same testing or curricular requirements as regular
8	education students if it is not required in the individual
9	plan for the student.
10	"i. Maintain Maintains a current website that
11	describes the school and the instructional program of the
12	school.
13	"j. Annually affirm affirms on forms prescribed by
14	the scholarship granting organization and the department its
15	status financially and academically and provide other relative
16	information as required by the scholarship granting
17	organization or as otherwise required in this act.
18	"(12) SCHOLARSHIP GRANTING ORGANIZATION. An
19	organization that provides or is approved to provide
20	educational scholarships to students attending qualifying
21	schools of their parents' choice.
22	" (13) SCHOOL ADMINISTRATOR. A local superintendent
23	of education or local school principal, unless otherwise

specified.

1	"Section 5. (a) Pursuant to this act, to be
2	considered as an innovative school system, a local school
3	system shall successfully comply with the requirements and
4	procedures set forth by the State Department of Education
5	regarding school flexibility contracts, which include, but are
6	not limited to:

- "(1) Submission to the State Department of Education of a letter of intent to pursue a school flexibility contract.
- "(2) Submission to the State Department of Education of a resolution adopted by the local board of education supporting the intent of the local school system to pursue a school flexibility contract.
- "(3) Submission to the State Department of Education of a document of assurance stating that the local board of education shall provide consistency in leadership and a commitment to state standards, assessments, and academic rigor.
- "(4) Submission to the State Board of Education of a resolution adopted by the local board of education supporting the flexibility contract proposal and the anticipated timeline of the local school system.
- "(b) Pursuant to State Board of Education rules,
 each local school system shall provide an opportunity for full
 discussion and public input, including a public hearing,

L	before	submitting	а	school	flexibility	contract	proposal	to
2	the Sta	ate Board of	ΕI	Educatio	on.			

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- "(c) A local school system shall ensure that its school flexibility contract proposal and innovation plan is easily accessible to the general public on the website of the local school system.
- "(d) No school flexibility contract proposal or innovation plan shall be used to allow the collection or dissemination of data in a manner that violates the privacy rights of any student or employee.

"Section 8. (a) To provide educational flexibility and state accountability for students in failing schools:

"(1) For tax years beginning on and after January 1, 2013, an Alabama income tax credit is made available to the parent of a student enrolled in or assigned to attend a failing school to help offset the cost of transferring the student to a nonfailing public school or nonpublic school of the parent's choice. The income tax credit shall be an amount equal to 80 percent of the average annual state cost of attendance for a public K-12 student during the applicable tax year or the actual cost of attending a nonfailing public school or nonpublic school, whichever is less. The actual cost of attending a nonfailing public school or nonpublic school shall be calculated by adding together any tuition amounts or mandatory fees charged by the school to the student as a

1	condition of enrolling or of maintaining enrollment in the
2	school. The average annual state cost of attendance for a
3	public K-12 student shall be calculated by dividing the state
4	funds appropriated to the Foundation Program pursuant to
5	Section 16-13-231(b)(2) by the total statewide number of
6	pupils in average daily membership during the first 20
7	scholastic days following Labor Day of the preceding school
8	year. For each student who was enrolled in and attended a
9	failing school the previous semester whose parent receives an
10	income tax credit under this section, an amount equal to 20
11	percent of the average annual state cost of attendance for a
12	public K-12 student during the applicable tax year shall be
13	allocated, for as long as the parent receives the tax credit,
14	to the failing school from which the student transferred if
15	the student transfers to and remains enrolled in a nonpublic
16	school. No such allocation shall be made in the event the
17	student transfers to or enrolls in a nonfailing public school.
18	The Department of Education shall determine the best method of
19	ensuring that the foregoing allocation provisions are properly
20	implemented. A parent is allowed a credit against income tax
21	for each taxable year under the terms established in this
22	section. If income taxes owed by the such a parent are less
23	than the total credit allowed under this subsection, the
24	taxpayer shall be entitled to a refund or rebate, as the case

may be, equal to the balance of the unused credit with respect to that taxable year.

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"(2) Any income tax credit due a parent under this section shall be granted or issued to the parent only upon his or her making application therefor, at such time and in such manner as may be prescribed from time to time by the Department of Revenue. The application process shall include, but not be limited to, certification by the parent that the student was enrolled in or was assigned to attend a failing school, certification by the parent that the student was subsequently transferred to, and was enrolled and attended, a nonfailing public school or nonpublic school of the parent's choice, and proof, satisfactory to the Department of Revenue, of the actual cost of attendance for the student at the nonfailing public school or nonpublic school. For purposes of the tax credit authorized by this section, costs of attendance does not include any such costs incurred for an academic year prior to the 2013-2014 academic year. The Department of Revenue shall also prescribe the various methods by which income tax credits are to be issued to taxpayers. Income tax credits authorized by this section shall be paid out of sales tax collections made to the Education Trust Fund, and set aside by the Comptroller in the Failing School Schools Income Tax Credit Account created in subsection (c), in the same manner as refunds of income tax otherwise provided by law, and

1	there is hereby appropriated therefrom, for such purpose, so
2	much as may be necessary to annually pay the income tax
3	credits provided by this section.

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- "(3) An application for an income tax credit authorized by this section shall be filed with the Department of Revenue within the time prescribed for filing petitions for refund under Section 40-2A-7, Code of Alabama 1975.
- "(4) The Department of Revenue shall promulgate reasonable rules to effectuate the intent of this section subsection.
- "(b) (1) The parent of a public school student may request and receive an income tax credit pursuant to this section to reimburse the parent for costs associated with transferring the student from a failing school to a nonfailing public school or nonpublic school of the parent's choice, in any of the following circumstances:
- "a. By assigned school attendance area, if the student spent the prior school year in attendance at a failing school and the attendance of the student occurred during a school year in which the designation was in effect.
- "b. The student was in attendance elsewhere in the Alabama public school system and was assigned to a failing school for the next school year.
- "c. The student was notified that he or she was assigned to a failing school for the next school year.

"(2)	This	section	does	not	apply	to	a stud	lent	who	is
enrolled in the	e Depa	artment	of Yo	ut.h :	Service	s S	School	Dist	rict	c.

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"(3) For the purposes of continuity of educational choice, the tax credit shall be available to parents for those grade levels of the failing school from which the student transferred. The parent of a student who transfers from a failing school may receive income tax credits for those grade levels enrolled in and attended in the nonfailing public school or nonpublic school of the parent's choice transferred to that were included in the failing school from which the student transferred, whether or not the failing school becomes a nonfailing school during those years. The parent of such a student shall no longer be eligible for the income tax credit return to his or her original local school system of attendance when he or she after the student completes the highest grade level in which he or she would otherwise have been enrolled at of the failing school transferred from in the nonfailing public school or nonpublic school of the parent's choice. Notwithstanding the foregoing, as long as the student remains enrolled in or assigned to attend a failing school ## the public school the student returns to is a failing school, the parent may again transfer the student to a nonfailing public school or nonpublic school of the parent's choice and request and receive an income tax credit as provided in this section.

L	"(4)	A local	school	L system,	for each	ch stud	dent	
2	enrolled in or	assigned	to a	failing	school,	shall	do all	of
3	the following:							

"a. Timely notify the parent of the student of all options available under this section as soon as the school of attendance is designated as a failing school.

"b. Offer the parent of the student an opportunity to enroll the student in another public school within the local school system that is not a failing school or a failing school to which the student has been assigned.

"(5) The parent of a student enrolled in or assigned to a school that has been designated as a failing school, as an alternative to paragraph b. of subdivision (4), may choose to enroll the student in and transport the student to a who decides to transfer the student to a nonfailing public school, shall first attempt to enroll the student in a nonfailing public school within the same local system in which the student is already enrolled or assigned to attend before attempting to enroll the student in a nonfailing public school that has available space in any other local school system in the state, and that . A local school system is willing to may accept the student on whatever terms and conditions the system establishes and report the student for purposes of the local school system's funding pursuant to the Foundation Program.

1	"(6) For students in the local school system who are
2	participating in the tax credit program, the local school
3	system shall provide locations and times to take all statewide
4	assessments required by law.

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- "(7) Students with disabilities who are eligible to receive services from the local school system under federal or state law, and who participate in the tax credit program, remain eligible to receive services from the local school system as provided by federal or state law.
- "(8) If a parent requests that the student be enrolled enrolls a student in a nonfailing public school within the same local school system, and that system provides transportation services for other enrolled students, transportation costs to the nonfailing public school shall be the responsibility of the local school system. Local school systems may negotiate transportation options with a parent to minimize system costs. If a parent enrolls a student in a nonpublic school or in a nonfailing public school within another local school system, regardless of whether that system provides transportation services for other enrolled students, transportation of the student shall be the responsibility of the parent.
- "(9) The State Department of Education shall promulgate reasonable rules to effectuate the intent of this subsection. Rules shall include penalties for noncompliance.

1	"(c) There is created within the Education Trust
2	Fund a separate account named the Failing Schools Income Tax
3	Credit Account. The Commissioner of Revenue shall annually
4	certify to the Comptroller the amount of income tax credits
5	due to parents under this section and the Comptroller shall
6	transfer into the Failing Schools Income Tax Credit Account
7	only the amount from sales tax revenues within the Education
8	Trust Fund that is sufficient for the Department of Revenue to
9	use to cover the income tax credits for the applicable tax
10	year. The Commissioner of Revenue shall annually distribute
11	the funds in the Failing Schools Income Tax Credit Account to
12	parents pursuant to this section.

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- "(d) (1) Nothing in this section or act shall be construed to force any public school, school system, or school district or any nonpublic school, school system, or school district to enroll any student.
- "(2) A public school, school system, or school
 district or any nonpublic school, school system, or school
 district may develop the terms and conditions under which it
 will allow a student whose parent receives an income tax
 credit pursuant to this section to be enrolled, but such terms
 and conditions may not discriminate on the basis of the race,
 gender, religion, color, disability status, or ethnicity of
 the student or of the student's parent.

	"(3) Nothing in this section shall be construed to
<u>authorize</u>	the violation of or supersede the authority of any
court rul	ing that applies to the public school, school system
or school	district, specifically any federal court order
related t	o the desegregation of the local school system's
student p	opulation.

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"Section 9. (a)(1) A taxpayer who files a state income tax return and is not a dependent of another taxpayer may claim a credit for a contribution made to a scholarship granting organization.

- "(2) The tax credit may be claimed by an individual taxpayer or a married couple filing jointly in an amount equal to the total contributions made to a scholarship granting organization for educational scholarships during the taxable year for which the credit is claimed up to 50 percent of the tax liability of the taxpayer, not to exceed seven thousand five hundred dollars (\$7,500) per taxpayer or married couple filing jointly.
- "(3) The tax credit may be claimed by a corporate taxpayer in an amount equal to $50\,$ 100 percent of the total contributions made to a scholarship granting organization for educational scholarships during the taxable year for which the credit is claimed up to 50 percent of the tax liability of the taxpayer. The cumulative amount of tax credits issued pursuant to subdivision (2) and this subdivision shall not exceed

1	twenty-five million dollars (\$25,000,000) annually. The
2	Department of Revenue shall develop a procedure to ensure that
3	this cap is not exceeded and shall also prescribe the various
4	methods by which these credits are to be issued.
5	"(4) A corporate taxpayer, an individual taxpayer,
6	or a married couple filing jointly may carry forward a tax
7	credit under the tax credit scholarship program for three
8	years.
9	"(b)(1) Administrative accountability standards. All
10	scholarship granting organizations shall do all of the
11	following:
12	"a. Notify the Department of Revenue of their intent
13	to provide educational scholarships.
14	"b. Demonstrate to the Department of Revenue that
15	they have been granted exemption from the federal income tax
16	as an organization described in Section 501(c)(3) of the
17	Internal Revenue Code.
18	"c. Distribute periodic educational scholarship

"d. Provide a Department of Revenue approved receipt to taxpayers for contributions made to the scholarship granting organization.

payments as checks made out and mailed to the school where the

"e. Ensure that at least 95 percent of their revenue from donations is spent on educational scholarships, and that

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student is enrolled.

L	all	revenue	from	interest	or	investments	is	spent	on
2	educ	cational	schol	Larships.					

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- "f. Spend each year a portion of their expenditures on educational scholarships for low-income eligible students equal to the percentage of low-income eligible students in the county where the scholarship granting organization expends the majority of its educational scholarships.
- "g. Ensure that at least 75 percent of first-time recipients of educational scholarships were not continuously enrolled in a private school during the previous year.
- "h. Cooperate with the Department of Revenue to conduct criminal background checks on all of their employees and board members and exclude from employment or governance any individual who may reasonably pose a risk to the appropriate use of contributed funds.
- "i. Ensure that educational scholarships are portable during the school year and can be used at any qualifying school that accepts the eligible student according to the wishes of the parent. If a student transfers to another qualifying school during a school year, the educational scholarship amount may be prorated.
- "j. Publicly report to the Department of Revenue by
 June 1 of each year all of the following information prepared
 by a certified public accountant regarding their grants in the
 previous calendar year:

1		"1.	The	name	and	address	of	the	scholarship	granting
2	organizati	on.								

"2. The total number and total dollar amount of contributions received during the previous calendar year.

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- "3. The total number and total dollar amount of educational scholarships awarded during the previous calendar year, the total number and total dollar amount of educational scholarships awarded during the previous year for students qualifying for the federal free and reduced-price lunch program, and the percentage of first-time recipients of educational scholarships who were enrolled in a public school during the previous year.
- "k. Ensure educational scholarships are not provided for students to attend a school with paid staff or board members, or relatives thereof, in common with the scholarship granting organization.
- "1. Ensure that scholarships are provided in a manner that does not discriminate based on the gender, race, or disability status of the scholarship applicant or his or her parent.
- "m. Ensure that educational scholarships are provided only to students who would otherwise attend a failing school so that the student can attend a nonpublic school or a nonfailing public school. Provided, however, that any scholarship funds unaccounted for on September 15th of each

1	year may be made available to low-income eligible students to
2	defray the costs of attending a qualifying school, whether or
3	not the student is assigned to a failing school.
4	"n. Ensure that no donations are directly made to
5	benefit specifically designated scholarship recipients.
6	"(2) Financial accountability standards.
7	"a. All scholarship granting organizations shall
8	demonstrate their financial accountability by doing all of the
9	following:
10	"1. Annually submitting to the Department of Revenue
11	a financial information report for the scholarship granting
12	organization that complies with uniform financial accounting
13	standards established by the Department of Revenue and
14	conducted by a certified public accountant.
15	"2. Having the auditor certify that the report is
16	free of material misstatements.
17	"b. All participating nonpublic schools shall
18	demonstrate financial viability, if they are to receive
19	donations of fifty thousand dollars (\$50,000) or more during
20	the school year, by doing either of the following:
21	"1. Filing with the scholarship granting
22	organization before the start of the school year a surety bond
23	payable to the scholarship granting organization in an amount
24	equal to the aggregate amount of contributions expected to be
25	received during the school year.

1	"2. Filing with the scholarship granting
2	organization before the start of the school year financial
3	information that demonstrates the financial viability of the
4	participating nonpublic school.
5	"(c)(1) Each scholarship granting organization shall
6	collect written verification from participating nonpublic
7	schools that accept its educational scholarship students that
8	those schools do all of the following:
9	"a. Comply with all health and safety laws or codes
10	that otherwise apply to nonpublic schools.
11	"b. Hold a valid occupancy permit if required by the
12	municipality.
13	"c. Certify compliance with nondiscrimination
14	policies set forth in 42 USC 1981.
15	"d. Conduct criminal background checks on employees
16	and then do all of the following:
17	"1. Exclude from employment any person not permitted
18	by state law to work in a public school.
19	"2. Exclude from employment any person who may
20	reasonably pose a threat to the safety of students.
21	"(2) Academic accountability standards. There shall
22	be sufficient information about the academic impact
23	educational scholarship tax credits have on participating

students in order to allow parents and taxpayers to measure

1	the achievements	of	the	tax	credit	scholarship	program,	and
2	therefore:							

"a. Each scholarship granting organization shall

ensure that participating schools that accept its educational

scholarship shall do all of the following:

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- "1. Annually administer either the state achievement tests or nationally recognized norm-referenced tests that measure learning gains in math and language arts to all participating students in grades that require testing under the accountability testing laws of the state for public schools.
- "2. Allow costs of the testing requirements to be covered by the educational scholarships distributed by the scholarship granting organizations.
- "3. Provide the parents of each student who was tested with a copy of the results of the tests on an annual basis, beginning with the first year of testing.
- "4. Provide the test results to the Department of Revenue or an organization chosen by the state on an annual basis, beginning with the first year of testing.
- "5. Report student information that allows the state to aggregate data by grade level, gender, family income level, and race.
- "6. Provide graduation rates of those studentsbenefitting from education scholarships to the Department of

L	Revenue	or	an c	organization	chosen	by	the	state	in	a	manner
2	consiste	nt	with	n nationally	recogni	ized	l sta	andards	S .		

- "b. The Department of Revenue or an organization chosen by the Department of Revenue shall do all of the following:
 - "1. Ensure compliance with all student privacy laws.
 - "2. Collect all test results.

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- "3. Provide the test results and associated learning gains to the public via a state website after the third year of test and test-related data collection. The findings shall be aggregated by the grade level, gender, family income level, number of years of participation in the tax credit scholarship program, and race of the student.
- "(d)(1) The Department of Revenue shall adopt rules and procedures consistent with this section as necessary ${\color{blue}to}$ implement the tax credit scholarship program.
- "(2) The Department of Revenue shall provide a standardized format for a receipt to be issued by a scholarship granting organization to a taxpayer to indicate the value of a contribution received. The Department of Revenue shall require a taxpayer to provide a copy of the receipt when claiming the tax credit pursuant to this section.
- "(3) The Department of Revenue shall provide a standardized format for a scholarship granting organization to

1	report	the	informa	tion	required	in	paragraph	j.	of	subdivision
2	(1) of	subs	section	(b).						

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- "(4) The Department of Revenue may conduct either a financial review or audit of a scholarship granting organization if possessing evidence of fraud.
- "(5) The Department of Revenue may bar a scholarship granting organization from participating in the tax credit scholarship program if the Department of Revenue establishes that the scholarship granting organization has intentionally and substantially failed to comply with the requirements in subsection (b) or subsection (c).
- "(6) If the Department of Revenue decides to bar a scholarship granting organization from the tax credit scholarship program, the Department of Revenue shall notify affected educational scholarship students and their parents of the decision as quickly as possible.
- "(7) The Department of Revenue shall publish and routinely update, on the website of the department, a list of scholarship granting organizations in the state, by county.
- "(e)(1) All schools participating in the tax credit scholarship program shall be required to operate in Alabama.
- "(2) All schools participating in the tax credit scholarship program shall comply with all state laws that apply to public schools regarding criminal background checks

1	for employees and exclude from employment any person not
2	permitted by state law to work in a public school.
3	"(f) The tax credit provided in this section may be
4	first claimed for the 2013 tax year but may not be claimed for
5	any tax year prior to the 2013 tax year.
6	"(q) (1) Nothing in this section shall be construed
7	to force any public school, school system, or school district
8	or any nonpublic school, school system, or school district to
9	<pre>enroll any student.</pre>
10	"(2) A public school, school system, or school
11	district or any nonpublic school, school system, or school
12	district may develop the terms and conditions under which it
13	will allow a student who receives a scholarship from a
14	scholarship granting organization pursuant to this section to
15	be enrolled, but such terms and conditions may not
16	discriminate on the basis of the race, gender, religion,
17	color, disability status, or ethnicity of the student or of
18	the student's parent.
19	"(3) Nothing in this section shall be construed to
20	authorize the violation of or supersede the authority of any
21	court ruling that applies to the public school, school system,
22	or school district, specifically any federal court order
23	related to the desegregation of the local school system's

student population."

1	Section 2. The provisions of this act are
2	retroactive to March 14, 2013.
3	Section 3. Nothing in this act shall affect or
4	change the athletic eligibility rules of student athletes
5	governed by the Alabama High School Athletic Association or
6	similar association.
7	Section 4. This act shall become effective
8	immediately following its passage and approval by the
9	Governor, or its otherwise becoming law.

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4	Speaker of the House of Representatives		
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6	F	President and Presiding Office	er of the Senate
7	House of Representatives		
8 9	I hereby certify that the within Act originated in and was passed by the House 30-APR-13.		
10			
11 12	Jeff Woodard Clerk		
13		CICIN	
14	-		_
15	Senate	09-MAY-13	_ Amended and Passed
16	House	09-MAY-13	Concurred in Sen- ate Amendment