

1 HB307
2 155994-1
3 By Representatives Ford, McCampbell, Jackson, Melton, Black,
4 Scott, Buskey, Coleman-Evans and Boyd
5 RFD: Ways and Means Education
6 First Read: 21-JAN-14

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8 SYNOPSIS: Under existing law, the Alabama
9 Accountability Act of 2013 authorizes income tax
10 credits for parents who transfer students enrolled
11 in or assigned to attend a failing public K-12
12 school to a nonfailing public school or nonpublic
13 school of the parents' choice and for taxpayers
14 that make contributions to organizations that
15 provide educational scholarships to qualifying
16 schools.

17 This bill would repeal portions of the
18 Alabama Accountability Act of 2013, that authorizes
19 and implements the income tax provisions of the Act
20 and would rename it the Local Control School
21 Flexibility Act of 2013.

22
23 A BILL
24 TO BE ENTITLED
25 AN ACT
26

1 Relating to the Alabama Accountability Act of 2013;
2 to amend Sections 16-6D-1, 16-6D-3 and 16-6D-4 to delete any
3 references to the income tax credit provisions of the act; to
4 rename the Accountability Act of 2013 the Local Control School
5 Flexibility Act of 2013; and to repeal Sections 16-6D-8 and
6 16-6D-9, inclusive, Code of Alabama 1975.

7 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

8 Section 1. Sections 16-6D-1, 16-6D-3 and 16-6D-4,
9 Code of Alabama 1975, are amended as follows:

10 "§16-6D-1.

11 "This chapter shall be known and may be cited as the
12 Local Control School Flexibility ~~Alabama Accountability~~ Act
13 of 2013.

14 "§16-6D-3.

15 "(a) The Legislature finds and declares all of the
16 following:

17 "(1) To further the goals of public education
18 throughout the state, each school system should be able to
19 have maximum possible flexibility to meet the needs of
20 students and the communities within its jurisdiction.

21 "(2) There is a critical need for innovative models
22 of public education that are tailored to the unique
23 circumstances and needs of the students in all schools and
24 communities, and especially in schools and communities that
25 are struggling to improve academic outcomes and close the
26 achievement gap.

1 "(3) To better serve students and better use
2 available resources, local boards of education, local school
3 systems, and parents need the ability to explore flexible
4 alternatives in an effort to be more efficient and effective
5 in providing operational and programmatic services.

6 "(b) Therefore, it is the intent of the Legislature
7 to do all of the following:

8 "(1) Allow school systems greater flexibility in
9 meeting the educational needs of a diverse student population.

10 "(2) Improve educational performance through greater
11 individual school autonomy and managerial flexibility with
12 regard to programs and budgetary matters.

13 "(3) Encourage innovation in education by providing
14 local school systems and school administrators with greater
15 control over decisions including, but not limited to,
16 budgetary matters, staffing, personnel, scheduling, and
17 educational programming, including curriculum and instruction.

18 ~~"(4) Provide financial assistance through an income
19 tax credit to a parent who transfers a student from a failing
20 public school to a nonfailing public school or nonpublic
21 school of the parent's choice.~~

22 "§16-6D-4.

23 "For the purposes of this chapter, the following
24 terms shall have the following meanings:

25 ~~"(1) EDUCATIONAL SCHOLARSHIPS. Grants made by a
26 scholarship granting organization to cover all or part of the~~

1 ~~tuition and mandatory fees charged by a qualifying school to~~
2 ~~an eligible student 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 that is~~
19 ~~one or more of the following:~~

20 ~~"a. Is labeled as persistently low-performing by the~~
21 ~~State Department of Education, in the then most recent United~~
22 ~~States Department of Education School Improvement Grant~~
23 ~~application.~~

24 ~~"b. Is designated as a failing school by the State~~
25 ~~Superintendent of Education.~~

26 ~~"c. Does not exclusively serve a special population~~
27 ~~of students and, until June 1, 2017, has been listed three or~~

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

16 ~~"(4)~~ (1) FLEXIBILITY CONTRACT. A school flexibility
17 contract between the local school system and the State Board
18 of Education wherein a local school system may apply for
19 programmatic flexibility or budgetary flexibility, or both,
20 from state laws, regulations, and policies, including
21 regulations and policies promulgated by the State Board of
22 Education and the State Department of Education.

23 ~~"(5)~~ (2) INNOVATION PLAN. The request of a local
24 school system for flexibility and plan for annual
25 accountability measures and five-year targets for all
26 participating schools within the school system.

1 ~~"(6) (3)~~ LOCAL BOARD OF EDUCATION. A city or county
2 board of education that exercises management and control of a
3 local school system pursuant to state law.

4 ~~"(7) (4)~~ LOCAL SCHOOL SYSTEM. A public agency that
5 establishes and supervises one or more public schools within
6 its geographical limits pursuant to state law.

7 ~~"(8) LOW-INCOME ELIGIBLE STUDENT. A student of a~~
8 ~~family with income equal to or less than two times the federal~~
9 ~~poverty level.~~

10 ~~"(9) NONPUBLIC SCHOOL. Any nonpublic or private~~
11 ~~school, including parochial schools, not under the~~
12 ~~jurisdiction of the State Superintendent of Education and the~~
13 ~~State Board of Education, providing educational services to~~
14 ~~children. A nonpublic school is accredited by a state~~
15 ~~recognized accrediting agency that provides education to~~
16 ~~elementary or secondary, or both, students and has notified~~
17 ~~the State Department of Revenue of its intention to~~
18 ~~participate in the scholarship program and comply with the~~
19 ~~requirements of the scholarship program. A nonpublic school~~
20 ~~does not include home schooling.~~

21 ~~"(10) PARENT. The parent or legal guardian of a~~
22 ~~student, with authority to act on behalf of the student, who~~
23 ~~claims the student as a dependent on his or her Alabama state~~
24 ~~income tax return.~~

25 ~~"(11) QUALIFYING SCHOOL. Either a public school~~
26 ~~outside of the resident school district that is not considered~~
27 ~~failing under either state or federal standards or any~~

1 nonpublic school as defined in this chapter or that satisfies
2 the compulsory attendance requirements provided in Section
3 16-28-7. A qualified nonpublic school shall be accredited by
4 one of the six regional accrediting agencies or, if not so
5 accredited, shall satisfy all of the following conditions:

6 "a. Has been in existence for at least three years.

7 "b. Has daily attendance of at least 85 percent over
8 a two-year period.

9 "c. Has a minimum 180-day school year, or its hourly
10 equivalent.

11 "d. Has a day length of at least six and one-half
12 hours.

13 "e. Requires all students to take the Stanford
14 Achievement Test, or its equivalent.

15 "f. Requires all candidates for graduation to take
16 the American College Test before graduation.

17 "g. Requires students in high school in grades nine
18 through 12 to earn a minimum of 24 Carnegie credits before
19 graduating, including 16 credits in core subjects and
20 additional requirements in health and physical education, fine
21 arts, computer studies, and foreign language.

22 "h. Does not subject special education students to
23 the same testing or curricular requirements as regular
24 education students if it is not required in the individual
25 plan for the student.

26 "i. Maintains a current website that describes the
27 school and the instructional program of the school.

1 ~~"j. Annually affirms on forms prescribed by the~~
2 ~~scholarship granting organization and the department its~~
3 ~~status financially and academically and provide other relative~~
4 ~~information as required by the scholarship granting~~
5 ~~organization or as otherwise required in this chapter.~~

6 ~~"(12) SCHOLARSHIP GRANTING ORGANIZATION. An~~
7 ~~organization that provides or is approved to provide~~
8 ~~educational scholarships to students attending qualifying~~
9 ~~schools of their parents' choice.~~

10 Section 2. Sections 16-6D-8 and 16-6D-9, inclusive,
11 Code of Alabama 1975, are hereby repealed.

12 Section 3. This act shall become effective
13 immediately following its passage and approval by the
14 Governor, or its otherwise becoming law.