

1 SB311
2 199175-1
3 By Senators Marsh, Allen, Stutts and Waggoner
4 RFD: Education Policy
5 First Read: 18-APR-19

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8 SYNOPSIS: Under existing law, the Alabama School
9 Choice and Student Opportunity Act authorizes the
10 establishment of public charter schools in the
11 state.

12 This bill would amend the act to provide
13 local revenue projections for charter school
14 applicants and to provide terms for the amount of
15 local revenue that follows a child from a
16 non-charter public school to a public charter
17 school.

18
19 A BILL
20 TO BE ENTITLED
21 AN ACT
22

23 To amend Section 16-6F-10, Code of Alabama 1975,
24 relating to the Alabama School Choice and Student Opportunity
25 Act; to provide local revenue projections for charter school
26 applicants; and to provide terms for the amount of local

1 revenue that follows a child from a non-charter public school
2 to a public charter school.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

4 Section 1. Section 16-6F-10 of the Code of Alabama
5 1975, is amended to read as follows:

6 "§16-6F-10.

7 "(a) Enrollment. Students enrolled in and attending
8 public charter schools shall be included in all enrollment and
9 attendance counts of students of the local school system in
10 which the students reside. The public charter school shall
11 report all such data to the local school systems of residence
12 in a timely manner. Each local school system shall report such
13 enrollment, attendance, and other counts of students to the
14 department in the manner required by the department.

15 "(b) Operational funding.

16 "(1) The following provisions govern operational
17 funding:

18 "a. In their initial year, and in subsequent years
19 to accommodate growth as articulated in their application,
20 funding for public charter schools shall be provided from the
21 Education Trust Fund in the Foundation Program appropriation
22 for current units. Subsequent year funding for public charter
23 schools shall be based on the Foundation Program allocation
24 and other public school Education Trust Fund appropriations.

25 "b. For each of its students, a public charter
26 school shall receive the same amount of state funds, including
27 funds earmarked for the Foundation Program transportation,

1 school nurses, technology coordinators, and other line items
2 that may be included in the appropriation for the Foundation
3 Program Fund, that, for the then-current fiscal year, would
4 have otherwise been allocated on behalf of each public charter
5 school student to the local school system where the student
6 resides. This amount shall reflect the status of each student
7 according to grade level, economic disadvantage, limited
8 English proficiency, and special education needs.

9 "c. For each of its students, a public charter
10 school shall receive the same amount of local tax revenue,
11 that, for the then-current fiscal year, would have otherwise
12 been allocated on behalf of each public charter school student
13 to the local non-charter public school of each student's
14 residence, excluding those funds already earmarked through a
15 vote of the local school board for debt service, capital
16 expenditures, or transportation. ~~As necessary, the~~ The
17 department shall ~~promulgate processes and procedures to~~
18 determine the ~~specific~~ anticipated local revenue allocations
19 ~~according to the Foundation Program for each public charter~~
20 ~~school~~ for each public charter school applicant before the
21 deadline for submission of applications to the commission or
22 the registered local authorizer.

23 "d. The state funds described in paragraph a. shall
24 be forwarded on a quarterly basis to the public charter school
25 by the department. The local funds described in paragraph b.
26 shall be forwarded on a quarterly basis to the public charter
27 school by the local educational agency of the student's

1 residence, notwithstanding the oversight fee reductions
2 pursuant to Section 16-6F-6. ~~Additionally, any local revenues~~
3 ~~restricted, earmarked, or committed by statutory provision,~~
4 ~~constitutional provision, or board covenant pledged or imposed~~
5 ~~by formal action of the local board of education or other~~
6 ~~authorizing body of government, shall be excluded by the local~~
7 ~~educational agency of the student's residence when determining~~
8 ~~the amount of funds to be forwarded by the agency to the~~
9 ~~public charter school.~~

10 ~~"e. The maximum annual local tax allocation~~
11 ~~forwarded to a start-up public charter school from a local~~
12 ~~school system shall, for each student, not exceed the per~~
13 ~~student portion of the state required 10 mill ad valorem~~
14 ~~match.~~

15 ~~"f.e.~~ The maximum annual local tax allocation
16 forwarded to a ~~conversion~~ public charter school from a local
17 school system shall, for each student, equal the amount that
18 would have been received by the local education agency of the
19 student's residence for each student who now attends a
20 ~~conversion~~ public charter school, minus any amounts otherwise
21 excluded pursuant to this section.

22 ~~"g.f.~~ If necessary, the department shall adopt rules
23 governing how to calculate and distribute these per-student
24 allocations, as well as any rules governing cost-sharing for
25 students participating in specialized gifted, talented,
26 vocational, technical, or career education programs.

1 "(2) Categorical funding. The department shall
2 direct the proportionate share of moneys generated under
3 federal and state categorical aid programs to public charter
4 schools serving students eligible for such aid. The state
5 shall ensure that public charter schools with rapidly
6 expanding enrollments are treated equitably in the calculation
7 and disbursement of all federal and state categorical aid
8 program dollars. Each public charter school that serves
9 students who may be eligible to receive services provided
10 through such programs shall comply with all reporting
11 requirements to receive the aid.

12 "(3) Special education funding.

13 "a. The state shall pay directly to a public charter
14 school any federal or state aid attributable to a student with
15 a disability attending the school.

16 "b. At either party's request, a public charter
17 school and its authorizer may negotiate and include in the
18 charter contract alternate arrangements for the provision of
19 and payment for special education services.

20 "(4) Generally accepted accounting principles;
21 independent audit.

22 "a. A public charter school shall adhere to
23 generally accepted accounting principles.

24 "b. A public charter school shall annually engage an
25 independent certified public accountant to do an independent
26 audit of the school's finances. A public charter school shall
27 file a copy of each audit report and accompanying management

1 letter to its authorizer by June 1. This audit shall include
2 the same requirements as those required of local school system
3 pursuant to Section 16-13A-7.

4 "(5) Transportation funding.

5 "a. The department shall disburse state
6 transportation funding to a public charter school on the same
7 basis and in the same manner as it is paid to public school
8 systems.

9 "b. A public charter school may enter into a
10 contract with a school system or private provider to provide
11 transportation to the school's students.

12 "c. Public charter schools that do not provide
13 transportation services shall not be allocated any federal,
14 state, or local funds otherwise earmarked for
15 transportation-related expenses."

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