

1 SB365  
2 137123-1  
3 By Senators Holtzclaw, Glover, McGill, Beasley, Ward, Marsh,  
4 Taylor, Holley, Allen, Reed, Orr, Waggoner, Bussman, Fielding,  
5 Pittman, Whatley, Brewbaker and Scofield  
6 RFD: Education  
7 First Read: 23-FEB-12

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8 SYNOPSIS: This bill would establish the Alabama School  
9 Flexibility Act of 2012.

10 This bill would authorize the establishment  
11 of innovative schools and school systems in the  
12 State of Alabama.

13 This bill would allow the State Board of  
14 Education to enter into a school flexibility  
15 contract with a local school system to allow for  
16 programmatic flexibility or budgetary flexibility,  
17 or both, from state laws, including State Board of  
18 Education rules, regulations, and policies in  
19 exchange for academic and associated goals for  
20 students that focus on college and career  
21 readiness.

22 This bill would require the local board of  
23 education to submit a document of assurance that  
24 the board shall provide consistency in leadership  
25 and a commitment to the standards, assessments, and  
26 academic rigor expected in Alabama.

1                   This bill would require the local school  
2                   system to submit a proposed innovation plan  
3                   recommended by the local superintendent of  
4                   education and approved by the local board of  
5                   education to the State Superintendent of Education  
6                   in order to qualify for innovation status.

7                   This bill would also authorize the State  
8                   Board of Education to promulgate any necessary  
9                   rules and regulations as required for  
10                  implementation.

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12   A BILL  
13   TO BE ENTITLED  
14   AN ACT  
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16                   To establish the Alabama School Flexibility Act of  
17                   2012, relating to public K-12 education; to authorize the  
18                   establishment of innovative schools and school systems in the  
19                   state; to provide an overview; to authorize the State Board of  
20                   Education to enter into school flexibility contracts with  
21                   local school systems; to require the local board of education  
22                   to submit a document of assurance; to require the State Board  
23                   of Education to promulgate rules and regulations relating to  
24                   innovative school systems; to require local school systems to  
25                   submit an innovation plan to the State Department of Education  
26                   in order to qualify for innovation status; to provide

1 legislative findings and purposes; and to provide for an  
2 effective date.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

4 Section 1. This act shall be known and may be cited  
5 as the Alabama School Flexibility Act of 2012.

6 Section 2. (a) Innovative schools and school systems  
7 may be established in Alabama in accordance with this act.

8 (b) The purpose of this act is to advance the  
9 benefits of local school and school system autonomy in  
10 innovation and creativity by allowing flexibility from state  
11 laws and regulations and local school system policies.

12 Section 3. (a) The Legislature finds and declares  
13 all of the following:

14 (1) To further the goals of public education  
15 throughout the state, each school system should be able to  
16 have maximum possible flexibility to meet the needs of  
17 students and the communities under its jurisdiction.

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

24 (3) To better serve students and better use  
25 available resources to allow local boards of education and  
26 local school systems the ability to explore flexible

1 alternatives in an effort to be more efficient and effective  
2 in providing operational and programmatic services.

3 (b) Therefore, it is the intent of the Legislature  
4 to do all of the following:

5 (1) Allow school systems greater flexibility in  
6 meeting the educational needs of a diverse student population.

7 (2) Improve educational performance through greater  
8 individual school autonomy and managerial flexibility with  
9 regard to programs and budgetary matters.

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

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

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

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

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

4                   (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                   (5) SCHOOL ADMINISTRATOR. A local superintendent of  
8 education or local school principal, unless otherwise  
9 specified.

10                   Section 5. (a) Pursuant to this act, to be  
11 considered as an innovative school system, a local school  
12 system shall successfully comply with the requirements and  
13 procedures set forth by the State Department of Education in  
14 its guidance on school flexibility contracts, which include,  
15 but are not limited to:

16                   (1) Submittal to the State Department of Education  
17 of a letter of intent to pursue a school flexibility contract.

18                   (2) Submittal of a resolution adopted by the local  
19 board of education supporting the intent of the local school  
20 system to pursue a school flexibility contract.

21                   (3) Submittal of a document of assurance stating  
22 that the local board of education shall provide consistency in  
23 leadership and a commitment to state standards, assessments,  
24 and academic rigor.

25                   (4) Submittal to the State Board of Education of a  
26 resolution adopted by the local board of education supporting

1 the flexibility contract proposal and the anticipated timeline  
2 of the local school system.

3 (b) A local school system pursuing a school  
4 flexibility contract shall have a local superintendent of  
5 education who has served a minimum of one year in the local  
6 school system. With approval by the State Board of Education,  
7 this requirement may not preclude the pursuit of a school  
8 flexibility contract in those school systems where a local  
9 superintendent of education has served less than one year.

10 (c) Pursuant to State Board of Education rules, each  
11 local school system shall provide an opportunity for full  
12 discussion and public input before submitting a school  
13 flexibility contract proposal to the State Board of Education.

14 (d) A local school system shall ensure that its  
15 school flexibility contract proposal and innovation plan is  
16 easily accessible to the general public on the website of the  
17 local school system.

18 Section 6. (a) The innovation plan of a local school  
19 system shall include, at a minimum, all of the following:

20 (1) The school year that the local school system  
21 expects the school flexibility contract to begin.

22 (2) The list of state laws, including State Board of  
23 Education rules, regulations, and policies, that the local  
24 school system is seeking to waive in its school flexibility  
25 contract.

26 (3) A list of schools included in the innovation  
27 plan of the local school system.

1 (b) A local school system is accountable to the  
2 state for the performance of all schools in its system,  
3 including innovative schools, under state and federal  
4 accountability requirements.

5 (c) A local school system may not waive requirements  
6 imposed by federal law.

7 (d) The State Department of Education shall finalize  
8 all school data and the local school system shall seek  
9 approval of the local board of education before final  
10 submission to the State Department of Education and the State  
11 Board of Education.

12 (e) The final innovation plan, as recommended by the  
13 local superintendent of education and approved by the local  
14 board of education, shall accompany the formal submission of  
15 the local school system to the State Department of Education.

16 (f) The State Board of Education shall promulgate  
17 any necessary rules and regulations required to implement this  
18 act including, but not limited to, all of the following:

19 (1) The specification of timelines for submission  
20 and approval of the innovation plan and school flexibility  
21 contract of a local school system.

22 (2) An authorization for the State Department of  
23 Education, upon approval by the State Board of Education after  
24 periodic review, to revoke a school flexibility contract for  
25 noncompliance or nonperformance, or both, by a local school  
26 system.



1                   (3) An outline of procedures and necessary steps  
2 that a local school system shall follow, upon denial of an  
3 original submission, to amend and resubmit an innovation plan  
4 and school flexibility contract for approval.

5                   Section 7. The State Board of Education and the  
6 State Department of Education shall ensure equal opportunity  
7 for all school systems that apply for programmatic flexibility  
8 or budgetary flexibility, or both, as delineated in this act,  
9 and in no way shall one local school system be favored over  
10 another local school system based upon its size, location,  
11 student population, or any other possible discriminatory  
12 measure.

13                   Section 8. This act shall become effective  
14 immediately following its passage and approval by the  
15 Governor, or its otherwise becoming law.