

1 SB540  
2 139066-1  
3 By Senator Marsh  
4 RFD: Education  
5 First Read: 19-APR-12

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8 SYNOPSIS: Under existing law, the state does not have  
9 a performance incentive program for public K-12  
10 schools.

11 This bill would establish the Legislative  
12 School Performance Recognition Program.

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14 A BILL  
15 TO BE ENTITLED  
16 AN ACT

17  
18 Relating to public K-12 education; to create the  
19 Legislative School Performance Recognition Program.

20 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

21 Section 1. (a) The Legislature finds that there is a  
22 need for a program to reward public K-12 schools in Alabama  
23 that demonstrate high achievement.

24 (b) The Legislature further finds that  
25 performance-based incentives and increased autonomy are  
26 commonplace in the private sector and should be infused into  
27 the public sector as a reward for productivity.

1           Section 2. (a) The Legislative School Performance  
2 Recognition Program is created within the State Department of  
3 Education to reward public schools that either:

4           (1) Demonstrate high performance by being ranked in  
5 the top 25 percent of public schools, as ranked in the school  
6 grading system.

7           (2) Demonstrate exemplary progress by improving the  
8 overall annual ranking of the school by at least one letter  
9 grade, as ranked in the school grading system.

10          (b) All public schools that are ranked in the school  
11 grading system are eligible to participate in the program.

12          (c) The State Superintendent of Education shall  
13 prescribe guidelines for how the program shall be administered  
14 and implemented by not later than December 31, 2013, but the  
15 program may not be implemented by the State Superintendent of  
16 Education or the State Department of Education until both of  
17 the following have occurred:

18           (1) Rules governing how the program is to be  
19 administered and implemented have been promulgated by the  
20 State Department of Education pursuant to the Alabama  
21 Administrative Procedure Act.

22           (2) The school grading system is in its second  
23 academic year of implementation.

24          (d) In developing the program, the State  
25 Superintendent of Education shall seek input from parents,  
26 teachers, school administrators, existing State Department of  
27 Education advisory groups or task forces, and other education

1 stakeholders on how the program may properly reflect not only  
2 the overall academic proficiency of each public school but  
3 also the academic improvements made by each public school.

4 (e) Selected schools shall receive financial awards  
5 depending on the availability of funds appropriated by the  
6 Legislature to the program. The State Superintendent of  
7 Education shall distribute funds to eligible schools on a  
8 competitive basis based on the criteria set forth in this  
9 section as well as in the rules governing how the program is  
10 to be administered and implemented. When funds are awarded,  
11 the State Superintendent of Education may award no more than  
12 20 percent of the total appropriation to those schools  
13 eligible for an award pursuant to subdivision (1) of  
14 subsection (a). Any remaining amounts shall be awarded to  
15 those schools eligible for an award pursuant to subdivision  
16 (2) of subsection (a). No school may be eligible for an award  
17 pursuant to both subdivision (1) and subdivision (2) of  
18 subsection (a) at the same time.

19 (f) Subject to the rules governing how the program  
20 is to be administered and implemented, a school eligible for  
21 an award pursuant to subdivision (1) or subdivision (2) of  
22 subsection (a) shall be exempt from any statute or regulation  
23 related to the prescribed use of funds at the school level, or  
24 any categorical spending requirements imposed through the  
25 appropriation of funds from the state, except those  
26 requirements associated with the receipt of federal funds. A  
27 school eligible for an award pursuant to subdivision (1) or

1 subdivision (2) of subsection (a) shall be eligible for the  
2 flexibility provided by this subsection regardless of whether  
3 the school receives a financial award as contemplated by  
4 subsection (e).

5 (g) A list of schools eligible for an award pursuant  
6 to subdivision (1) or subdivision (2) of subsection (a) shall  
7 be annually posted by the State Superintendent of Education on  
8 the website of the department.

9 (h) As used in this section, the phrase school  
10 grading system shall mean the school grading system developed  
11 by the State Superintendent of Education pursuant to House  
12 Bill \_\_\_ of the 2012 Regular Session.

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