- 1 HB140
- 2 126986-4
- 3 By Representative Nordgren
- 4 RFD: County and Municipal Government
- 5 First Read: 03-MAR-11

1	<u>ENGROSSED</u>
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4	A BILL
5	TO BE ENTITLED
6	AN ACT
7	
8	To amend Section 16-11-1, Code of Alabama 1975,
9	relating to city boards of education; to increase the minimum
10	population requirement for establishing a city board of
11	education from 5,000 to 7,500; to require the State Department
12	of Education to determine whether a city is financially
13	capable to sustain a school system before a city may establish
14	a city school system; and to provide certain exceptions.
15	BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:
16	Section 1. Section 16-11-1 of the Code of Alabama
17	1975, is amended to read as follows:
18	" §16-11-1.
19	"(a) A "city" within the meaning of this title shall
20	include all incorporated municipalities of $\frac{5,000}{7,500}$ or more
21	inhabitants, according to the last or any succeeding federal
22	census, or according to the last or any succeeding census
23	taken under the provisions of Sections 11-47-90 through
24	11-47-95.
25	"(b) After the effective date of the act adding this
26	subsection, a city school system may only be established in
27	those cities that are determined by the State Department of

1	Education to be financially capable of sustaining a city
2	school system. The governing body of the city shall submit
3	detailed financial information, as determined by the
4	department, to the department and the department shall review
5	and verify that information. Based upon, but not limited to,
6	the financial information provided, the department shall
7	determine each of the following:
8	"(1) Whether students included within the proposed
9	city school system will receive, at a minimum, the same amount
10	of local per pupil expenditures as are expended per pupil in
11	the applicable county school system.
12	"(2) Whether the per pupil expenditures of the
13	applicable county school system will be adversely affected by
14	the creation of a city school system.
15	"(c) If the department determines a city is
16	financially capable to sustain a school system pursuant to
17	subsection (b), the city may establish a city school system
18	contingent upon preclearance submission by the city board of
19	education and approval of the formal separation agreement
20	executed between the city board of education and the county
21	board of education by the Voting Section of the Civil Rights
22	Division of the United States Department of Justice.
23	"(d) Subsections (b) and (c) shall not apply to
24	those municipalities that prior to the effective date of this
25	amendatory act have met the inhabitant criteria for
26	establishing a city board of education as previously set forth
27	in this section and have also submitted, and the State

1	Superintendent of Education has received, a resolution adopted
2	by the governing body of the municipality stating intent to
3	establish a city board of education."
4	"(e) The State Department of Education shall give
5	written response to the determination as provided in paragraph
6	(b) in this section."
7	Section 2. 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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3	House of Representatives
4 5 6 7 8	Read for the first time and re- ferred to the House of Representa- tives committee on County and Mu- nicipal Government
9 10 11	Read for the second time and placed on the calendar with 1 substitute and 2 amendments
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13 14	Read for the third time and passed as amended 24-MAY-1
15	Yeas 58, Nays 37, Abstains 0
16 17 18 19	Greg Pappas Clerk