

1 HB563  
2 118388-1  
3 By Representative Wren  
4 RFD: Education Policy  
5 First Read: 16-FEB-10

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8 SYNOPSIS: Under existing law, the Alabama Department  
9 of Postsecondary Education requires schools which  
10 offer flight training but no conventional academic  
11 subjects such as grammar, spelling, and mathematics  
12 to be licensed by the department after the payment  
13 of the required fees.

14 This bill would exempt flight schools in  
15 which no conventional academic subjects such as  
16 grammar, spelling, and mathematics are offered from  
17 the licensure requirement of the Alabama Department  
18 of Postsecondary Education.

19  
20 A BILL  
21 TO BE ENTITLED  
22 AN ACT  
23

24 To amend Section 16-46-3, Code of Alabama 1975,  
25 relating to private schools; to exempt flight schools in which  
26 no conventional academic subjects such as grammar, spelling,

1 and mathematics are offered from the licensure requirement of  
2 the Alabama Department of Postsecondary Education.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

4 Section 1. Section 16-46-3, Code of Alabama 1975, is  
5 amended to read as follows:

6 "§16-46-3.

7 "(a) This chapter shall not apply to any of the  
8 following schools nor to any person in regard to the operation  
9 of such schools, except for the conditions stated in this  
10 section:

11 "(1) Schools operated on a nonprofit basis offering  
12 only courses or programs of study in the performance of or  
13 preparation for the ministry of any established church,  
14 denomination, or religion.

15 "(2) Courses conducted by employers exclusively for  
16 their employees and courses conducted by labor unions  
17 exclusively for their members.

18 "(3) Schools offering instruction in grades K-12,  
19 including the kindergarten, elementary, or secondary level and  
20 operated by a parochial, denominational, or religious  
21 organization, and/or as a ministry of a local church or group  
22 of churches on a nonprofit basis.

23 "(4) Schools offering instruction in grades K-12,  
24 including the kindergarten, elementary, or secondary level,  
25 and operated by a community, educational organization, or  
26 group of parents, organized as a nonprofit educational

1 corporation with the expectation of establishing a more  
2 favorable environment for those in attendance.

3 "(5) Schools, colleges, and universities principally  
4 operated and supported by the State of Alabama or its  
5 political subdivisions.

6 "(6) Seminars and short courses sponsored or offered  
7 by professional business, trade, or religious organizations  
8 primarily for benefit of members thereof, or similar public  
9 programs of training where the majority of the students have  
10 at least half of their tuition and enrollment fees paid by  
11 their employers, provided that evidence is supplied supporting  
12 this exemption continuously over the preceding five years.

13 "(7) Any private school conducting resident courses  
14 whose principal base of operation is within the State of  
15 Alabama which has been in continuous operation for 20 years or  
16 more as of April 29, 1980, and that held accreditation as of  
17 that date by an accrediting agency recognized by the United  
18 States Department of Education.

19 "(8) Programs of study regulated by other state  
20 boards, commissions, or agencies requiring school licensure  
21 and/or performance bonding, except where the appropriate  
22 regulatory agency requires a license under this chapter.

23 "(9) Any proprietary postsecondary institution  
24 conducting resident courses that has been in operation within  
25 Alabama for at least five years as of July 1, 2004, and that  
26 is accredited by an accrediting agency recognized by the  
27 United States Department of Education shall be accorded the

1 following provisions: Upon proof of such accreditation, such  
2 schools shall be issued a license and representative permits  
3 after required fees are paid to the Alabama Department of  
4 Postsecondary Education. The requisite accreditation shall  
5 satisfy the minimum standards of this chapter.

6 "(10) Flight schools, as that term is defined in  
7 subdivision (29) of Section 23-1-352, in which conventional  
8 academic subjects such as grammar, spelling, and mathematics  
9 are not offered.

10 "(b) Any private school exempted in this section  
11 shall retain the exempted status as long as the conditions of  
12 exemption remain valid. An accredited private school or  
13 program of study not elsewhere exempted whose accreditation is  
14 withdrawn, suspended, or revoked shall forfeit its exemption  
15 status until the grant of accreditation is restored. Due  
16 process of the accrediting agency shall be allowed prior to  
17 withdrawal of an exemption. Schools having accreditation  
18 withheld as a result of transfer of ownership shall be allowed  
19 a period of time to regain the grant in accordance with the  
20 appropriate accrediting agency regulations.

21 "(c) An exemption pursuant to this section shall not  
22 be construed to constitute approval or endorsement by the  
23 State of Alabama for any purpose.

24 "(d) Exempted private schools may voluntarily  
25 request to be licensed without surety as described in Sections  
26 16-46-5 and 16-46-6.

1           "(e) Private schools which cease operations shall  
2 place the student academic, attendance, and financial aid  
3 records in the office of the appropriate school administrator  
4 where a repository shall exist to safeguard and to make  
5 available these records to authorized persons upon request as  
6 follows:

7           "(1) Schools which merge, consolidate, or undergo  
8 change of ownership shall deposit with the continuing school.

9           "(2) Schools which are a part of a system,  
10 organization, franchise, or a ministry of a local church or a  
11 group of churches shall deposit with the administrative office  
12 thereof if such is to remain in operation.

13           "(3) Elementary and secondary schools without system  
14 support shall deposit with the superintendent of the public  
15 county or city within whose district the school is located.

16           "(4) Postsecondary, higher, and others not elsewhere  
17 designated shall deposit with the Alabama Department of  
18 Postsecondary Education."

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