

1 HB497
2 218295-1
3 By Representatives Rogers and Morris
4 RFD: Ways and Means Education
5 First Read: 15-MAR-22

8 SYNOPSIS: This bill would require students from
9 kindergarten through third grade in public K-12
10 schools who receive a failing grade in a subject
11 during the first nine weeks of school to receive
12 accelerated instruction in that subject.

13 This bill would require a public K-12 school
14 to form a committee, for each student requiring the
15 instruction, to develop an educational plan for the
16 student that provides the necessary accelerated
17 instruction to enable the student to perform at the
18 appropriate level by the conclusion of the
19 semester.

20 This bill would require additional
21 accelerated instruction for students who continue
22 to receive failing grades in any subject area for
23 subsequent grading periods.

24 This bill would also require the State Board
25 of Education to adopt rules.

27 A BILL

1 TO BE ENTITLED

2 AN ACT

3
4 Relating to public K-12 education; to require
5 accelerated instruction to be provided to certain K-3 students
6 with failing grades; and to require the State Board of
7 Education to adopt rules.

8 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

9 Section 1. For the purposes of this act, student
10 means a student in kindergarten through the third grade
11 enrolled in and attending a public K-12 school; accelerated
12 instruction means tutoring, in a manner prescribed by this act
13 and rules adopted by the State Board of Education; and parent
14 means the parent or legal guardian of a student.

15 Section 2. (a) If a student earns a failing grade
16 during the first nine weeks of a school year, the student
17 shall be provided accelerated instruction in the applicable
18 subject area.

19 (b) In providing accelerated instruction, a local
20 education agency may not remove a student, based solely on the
21 failing grade, from either of the following:

22 (1) Instruction in the same curriculum that other
23 students, without failing grades, receive for the grade level
24 in which the student is enrolled.

25 (2) Recess or other physical activity that is
26 available to other students enrolled in the same grade level.

1 Section 3. If a local education agency receives
2 funding under the American Rescue Plan Act of 2021 (Pub. L.
3 No. 117-2), accelerated instruction provided by the local
4 education agency shall do all of the following:

5 (1) Include targeted instruction in the essential
6 knowledge and skills for the applicable grade levels and
7 subject area.

8 (2) Be provided in addition to instruction normally
9 provided to students in the grade level in which the student
10 is enrolled.

11 (3) Be provided for no less than 10 total hours
12 during the nine week period, and include instruction no less
13 than once per week.

14 (4) Be designed to assist the student in achieving a
15 passing grade in the applicable grade level and subject area.

16 (5) Include effective instructional materials
17 designed for accelerated instruction.

18 (6) Be provided to a student individually, or in a
19 group of no more than three students, unless the parents of
20 the students in the group all agree to participation by a
21 larger group of students.

22 (7) Be provided by an individual with training in
23 the applicable accelerated instructional materials and under
24 the oversight of the local education agency.

25 (8) To the extent possible, be provided by the same
26 individual for the student during the entirety of the
27 accelerated instruction period.

1 Section 4. The State Board of Education shall
2 provide guidelines to local education agencies on
3 research-based best practices and effective strategies the
4 local education agency may use in developing an accelerated
5 instruction program and shall provide resources to each local
6 education agency to assist in the provision of accelerated
7 instruction programs.

8 Section 5. (a) (1) A local education agency shall
9 establish an accelerated learning committee to follow the
10 progress of each student who earns a failing grade during the
11 first nine weeks of the school year. Each committee shall be
12 composed of all of the following:

- 13 a. The principal or his or her designee.
- 14 b. The student's parent.
- 15 c. The teacher of the subject for which the student
16 received a failing grade.

17 (2) The local education agency shall notify the
18 parent of the time and place for convening the accelerated
19 learning committee and the purpose of the committee.

20 (b) The accelerated learning committee, not later
21 than two weeks after a student receives a failing grade, shall
22 develop an educational plan for the student that provides the
23 necessary accelerated instruction to enable the student to
24 perform at the appropriate level by the conclusion of the
25 semester.

26 (c) The educational plan shall be documented in
27 writing, and a copy shall be provided to the student's parent.

1 Section 6. If a student fails to receive a passing
2 grade for the nine-week period following the accelerated
3 instruction, in a subject that he or she received a failing
4 grade for in the first nine weeks of school, the local
5 superintendent of education, or his or her designee, shall
6 meet with the student's accelerated learning committee to do
7 all of the following:

8 (1) Identify the reason the student did not receive
9 a passing grade.

10 (2) Determine, in order to ensure the student
11 receives a passing grade for the next nine week period, all of
12 the following:

13 a. Whether the educational plan developed for the
14 student pursuant to Section 5. should be modified.

15 b. Whether any additional resources should be
16 provided to the student.

17 Section 7. The State Board of Education shall adopt
18 rules for the implementation and enforcement of this act.

19 Section 8. 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.