

1 SB365
2 212537-2
3 By Senator Marsh
4 RFD: Education Policy
5 First Read: 01-APR-21

SYNOPSIS: This bill would create the Open Schools Act of 2021.

This bill would require each public K-12 school district to enroll students from outside the attendance area of the school district, would provide for limitations and exceptions, and would provide for the duties of the local board of education and the State Department of Education.

A BILL
TO BE ENTITLED
AN ACT

To create the Open Schools Act of 2021; to require each public K-12 school district to enroll students from outside the attendance area of the school district; to require each local board of education to adopt policies and procedures for implementation within the school district; to provide limitations and exceptions; and to provide for the duties of the State Department of Education.

1 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

2 Section 1. This act shall be known and may be cited
3 as the Open Schools Act of 2021.

4 Section 2. (a) Except as otherwise provided in
5 subsection (c), every public K-12 school district shall allow
6 all of the following:

7 (1) Its resident students who apply, pursuant to the
8 procedures established in subsection (b), to enroll in schools
9 within the school district.

10 (2) Commencing with the 2022-2023 school year, and
11 thereafter, nonresident students from other school districts
12 within the state, who apply pursuant to the procedures
13 established in subsection (b), to enroll in schools within the
14 school district. A nonresident student who enrolls in a school
15 outside of his or her school district of residence shall pay
16 the enrolling school district an amount that is equal to the
17 per student share of the net local tax revenue as determined
18 annually by the State Department of Education.

19 (b) (1) Each local board of education shall adopt
20 policies and procedures for the school district as are
21 reasonable and necessary to implement subsection (a)
22 including, but not limited to, timelines for application to
23 and acceptance in any school which may provide for enrollment
24 of the student on or before October 1, and, while adopting
25 policies and procedures, the local board of education shall
26 consider adopting a policy establishing that an applicant with
27 a proficiency rating of unsatisfactory in one or more academic

1 areas who attends a public school that is designated a failing
2 school under the Alabama Accountability Act of 2013 or a
3 priority school under the Educational Accountability Act of
4 2013 shall have priority over any other applicant for
5 enrollment purposes.

6 (2) In implementing subsection (a), no school
7 district shall be required to do any of the following:

8 a. Make alterations in the structure of a requested
9 school or to make alterations to the arrangement or function
10 of rooms within a requested school.

11 b. Establish and offer any particular program in a
12 school if the program is not currently offered in that school.

13 c. Alter or waive any established eligibility
14 criteria for participation in a particular program, including
15 age requirements, course prerequisites, and required levels of
16 performance.

17 d. Provide transportation for students.

18 e. Enroll any student pursuant to this section in
19 any school after October 1.

20 (c) Any school district may deny any of its resident
21 students, or any nonresident students from other school
22 districts within the state, permission to enroll in schools
23 within the school district only for any of the following
24 reasons:

25 (1) There is a lack of space or teaching staff
26 within a school requested, in which case, priority shall be

1 given to resident students applying for admission to the
2 school.

3 (2) The school requested does not offer appropriate
4 programs or is not structured or equipped with the necessary
5 facilities to meet special needs of the student or does not
6 offer a particular program requested.

7 (3) The student does not meet the established
8 eligibility criteria for participation in a particular
9 program, including age requirements, course prerequisites, and
10 required levels of performance.

11 (4) A desegregation plan is in effect for the school
12 district, and the denial is necessary in order to enable
13 compliance with the desegregation plan.

14 (5) The student has been expelled, or is in the
15 process of being expelled, or may be legally denied permission
16 to enroll.

17 (d) (1) Except as otherwise provided in subdivision
18 (2), any student who enrolls in a school district other than
19 the student's school district of residence pursuant to this
20 act may remain enrolled in that school district's school
21 through the end of the school year.

22 (2) This subsection does not apply in any of the
23 following circumstances:

24 a. The nonresident student is expelled pursuant to
25 statute from the school described in subdivision (1).

26 b. The nonresident student's attendance or
27 participation in the school described in subdivision (1)

1 requires the school district to perform any of the functions
2 described in paragraphs a. to c., inclusive, of subdivision
3 (2) of subsection (b).

4 c. The nonresident student is excluded from the
5 school described in subdivision (1) for any of the reasons
6 described in subdivisions (1) to (4), inclusive, of subsection
7 (c).

8 Section 3. (a) The State Department of Education
9 shall make information available to the public regarding
10 enrollment options which are available throughout the public
11 school system.

12 (b) (1) The department shall evaluate and study the
13 enrollment options available throughout the public school
14 system and may request from any school district any
15 information and data as the department deems necessary.

16 (2) Based upon the evaluation and study, the
17 department shall make a report to the Chairs of the Senate
18 Education Policy and Finance and Taxation Education Committees
19 and the House Education Policy and Ways and Means Education
20 Committees on or before the 10th legislative day of each
21 Regular Session.

22 Section 4. This act shall become effective on the
23 first day of the third month following its passage and
24 approval by the Governor, or its otherwise becoming law.