

1 SB229
2 173282-2
3 By Senator Brewbaker
4 RFD: Education and Youth Affairs
5 First Read: 16-FEB-16

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8 SYNOPSIS: Under existing law, each local board of
9 education is required to adopt a virtual education
10 option for students in grades nine to 12.

11 This bill would provide guidance for the
12 local school system providing a virtual school
13 program and the local school of residence of the
14 student enrolled in the program to use in
15 determining the distribution of state and federal
16 funds to the local school systems involved.

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18 A BILL
19 TO BE ENTITLED
20 AN ACT
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22 To amend Section 2 of Act 2015-89 of the 2015
23 Regular Session, now appearing as Section 16-46A-2, Code of
24 Alabama 1975, relating to virtual schools, to provide guidance
25 for the local school system providing a virtual school program
26 and the local school of residence of the student enrolled in

1 the program to use in determining the distribution of state
2 and federal funds to the local school systems involved.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

4 Section 1. To amend Section 2 of Act 2015-89 of the
5 2015 Regular Session, now appearing as Section 16-46A-2, Code
6 of Alabama 1975, is amended to read as follows:

7 "§16-46A-2.

8 "(a) A full-time student enrolled in a virtual
9 program shall be enrolled and counted in the average daily
10 membership of the local school in which the virtual program is
11 offered, participate in state testing and accountability
12 requirements through the local school system in which the
13 student is enrolled, and, upon satisfying the graduation
14 requirements of the local board of education, receive a
15 diploma from the local school system where enrolled.

16 "(b) (1) Any provision of this chapter to the
17 contrary notwithstanding, a student enrolled in a virtual
18 school program offered by ~~his or her~~ the local school system
19 where he or she resides shall be treated as if he or she is
20 attending ~~his or her~~ the local school in the attendance zone
21 in which ~~they reside~~ he or she resides for purposes of
22 participating in extracurricular activities and shall be
23 subject to the same requirements, including Alabama High
24 School Athletic Association rules, imposed on a traditional
25 public school student enrolled in the traditional public
26 school. In addition, ~~if local board of education policy~~
27 ~~permits inter-system transfer for all students,~~ a student who

1 is enrolled under this policy in a virtual school program in a
2 school system other than the local school system in which he
3 or she resides pursuant to an interdistrict transfer shall be
4 treated as if he or she is attending his or her local school
5 of record in the attendance zone in which he or she resides
6 for the purposes of participating in extracurricular
7 activities and shall be subject to the same requirements,
8 including Alabama High School Athletic Association rules,
9 imposed on a traditional public school student enrolled in the
10 traditional public school.

11 "(2) Any local board of education may permit the
12 enrollment into its virtual school program of students who
13 reside outside of the school district of that local board or
14 students whose permanent residence is in this state but, as
15 the dependent of a member of the United States Military,
16 temporarily reside outside of this state due to military
17 deployment, transfer, or assignment.

18 "(3)a. Each full-time student enrolled in a virtual
19 program shall be counted in the average daily membership of
20 the local school in which the virtual program is offered,
21 regardless of the attendance zone where the student resides.

22 "b. Each full-time student enrolled in a virtual
23 program shall be counted in the average daily membership of
24 the local school in which the virtual program is offered to
25 the same extent that a traditional student would be counted at
26 the school.

1 "c. With respect to the Foundation Program and other
2 public school Education Trust Fund appropriations, each local
3 board of education with a virtual program shall receive the
4 same amount of state funds that would otherwise be allocated
5 as if the full-time students of the local board of education
6 enrolled in its virtual program were students engaged in the
7 traditional delivery of instruction.

8 "d. The department shall direct the proportionate
9 share of monies generated under federal and state categorical
10 aid programs to school districts providing a virtual school
11 program and serving students eligible for that aid.

12 "e. The department shall also pay directly to the
13 local school system providing the virtual school program, any
14 federal or state aid attributable to a student with a
15 disability who is enrolled in the virtual school program.

16 "f. Where applicable, payments shall reflect the
17 status of each student according to grade level, economic
18 disadvantage, limited English proficiency, and special
19 education needs.

20 "g. Any provision of law to the contrary
21 notwithstanding, if a locally enacted revenue measure would
22 not otherwise allocate any funding to a school system, then no
23 funds from the local measure shall be allocated to that system
24 due to its enrollment of full-time students in its virtual
25 program that reside in an attendance zone outside of that
26 system, unless otherwise agreed by the board of education

1 operating the system and the board of education operating the
2 school in the attendance zone in which the student resides.

3 "(c) A board of education shall be exempt from any
4 provision of general law, local law, or administrative rule
5 that applies to the traditional delivery of instruction
6 including, but not limited to, requirements relating to the
7 physical presence of a student, student monitoring and
8 security, staffing requirements, transportation obligations,
9 facility requirements, space and location requirements, time
10 requirements, and physical education requirements to the
11 extent any of the foregoing conflict with the delivery of the
12 virtual program.

13 "(d) A local board of education is not subject to
14 online course restrictions imposed by the State Department of
15 Education.

16 "(e) Any online course delivery that is not
17 supported by the State Department of Education shall be
18 accredited by an institution recognized pursuant to
19 administrative rule adopted by the department.

20 "(f) Coursework offered through a virtual program
21 shall contain the required content as identified in the
22 applicable Alabama course of study."

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