

1 HB546
2 159302-2
3 By Representatives Henry, Collins, Wallace, Fincher, Weaver
4 and Harper
5 RFD: Education Policy
6 First Read: 26-FEB-14

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8 SYNOPSIS: This bill would establish the Educational
9 Opportunities Act.

10 This bill would further clarify the autonomy
11 of nonpublic schools, including church, parochial,
12 and private schools offering instruction in grades
13 K-12.

14 This bill would require nonpublic schools to
15 annually identify with the State Department of
16 Education and set forth procedures for disposal of
17 student records when a school ceases to exist.

18 This bill would establish guidelines for
19 private tutors offering instruction to students in
20 grades K-12.

21 This bill would clarify that students
22 transferring from nonpublic schools to a public
23 school are accepted by the public schools in the
24 same manner as transfer students from other public
25 schools.

26 This bill would require the State Department
27 of Education and local boards of education to

1 recognize all accrediting agencies of primary and
2 secondary schools that are recognized by the United
3 States Department of Education.

4 This bill would require each nonpublic
5 school to comply with attendance laws and perform
6 criminal history background checks on employees in
7 accordance with law.

8 This bill would prohibit any public
9 postsecondary institution or program, including the
10 Alabama Fire College and any police academy, from
11 denying admission of, and to prohibit the state
12 from denying employment of, a student solely on the
13 basis that he or she graduated from a secondary
14 nonpublic school prior to the effective date of
15 this act.

16 This bill would also establish a nonpublic
17 school advisory committee to address concerns of
18 nonpublic schools with the State Department of
19 Education.

20
21 A BILL

22 TO BE ENTITLED

23 AN ACT

24
25 To establish the Educational Opportunities Act; to
26 further clarify the autonomy of nonpublic schools, including
27 church, religious, parochial, and private schools offering

1 instruction in grades K-12; to require each nonpublic school
2 to annually identify with the State Department of Education
3 and set forth procedures for disposal of student records when
4 a school ceases to exist; to establish guidelines for private
5 tutors offering instruction to students in grades K-12; to
6 clarify that students transferring from nonpublic schools to a
7 public school are accepted by the public schools in the same
8 manner as transfer students from other public schools; to
9 require the State Department of Education and local boards of
10 education to recognize all accrediting agencies of primary and
11 secondary schools that are recognized by the United States
12 Department of Education; to require each nonpublic school to
13 comply with attendance laws and perform criminal history
14 background checks on employees in accordance with law; to
15 prohibit any public postsecondary institution or program,
16 including the Alabama Fire College and any police academy,
17 from denying admission of, and to prohibit the state from
18 denying employment of, a student solely on the basis that he
19 or she graduated from a secondary nonpublic school prior to
20 the effective date of this act; to establish a nonpublic
21 school advisory committee to address concerns of nonpublic
22 schools with the State Department of Education; and to repeal
23 Sections 16-28-1, 16-28-5, and 16-28-7, Code of Alabama 1975,
24 relating to definitions, private tutors, and reports of
25 enrollment under school attendance laws of the state.
26 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1 Section 1. For the purposes of this act, the
2 following terms shall have the following meanings:

3 (1) ACCREDITATION. A distinction of quality
4 assurances met by a school as determined by one of the
5 agencies identified on the United States Department of
6 Education's list of Recognized National and Regional
7 Accrediting Agencies or their affiliates.

8 (2) CHURCH SCHOOL. Includes only schools that offer
9 instruction in grades K-12, or any combination thereof,
10 including preschool, through on-site or home programs, and are
11 operated as a ministry of a local church, group of churches,
12 denomination, and/or association of churches which do not
13 receive any state or federal funding.

14 (3) DEPARTMENT. The State Department of Education.

15 (4) DIRECTORY INFORMATION. General information that
16 shall include all of the following: The name, physical
17 address, and mailing address of the school; the name, phone
18 number, and email address of the leader of the school; and the
19 grade levels of students served. The term does not include
20 student information, and individual student information
21 specifically shall not be included in directory information.

22 (5) IDENTIFICATION. The submission of directory and
23 accreditation information as required by the State Board of
24 Education for all private and virtual schools serving Alabama
25 students in grades K-12, or any combination thereof. Church or
26 parochial schools are not required, but may elect to provide
27 evidence of accreditation.

1 (6) NONPUBLIC SCHOOL. Any school that offers
2 instruction in grades K-12, or any combination thereof,
3 including preschool, through on-site or home programs, that is
4 not operated and supported by a government or public agency.

5 (7) PAROCHIAL SCHOOL. A nonpublic school that offers
6 instruction in grades K-12, or any combination thereof,
7 including preschool, through on-site or home programs, that is
8 operated by or affiliated with a church or religious
9 organization and may be a part of a system of other parochial
10 schools. A parochial school may also classify itself as a
11 church school.

12 (8) PRIVATE SCHOOL. Includes only nonpublic schools
13 properly identified by the State Superintendent of Education.

14 (9) RELIGIOUS SCHOOL. A nonpublic school
15 incorporated as a nonprofit corporation with its primary
16 purpose as a religious school that offers instruction in
17 grades K-12, or any combination thereof, including preschool,
18 through on-site or home programs and that has been awarded tax
19 exempt status by the Internal Revenue Service pursuant to 26
20 U.S.C. § 501 (c) (3).

21 (10) SCHOOL. Any person, group of people,
22 institution, establishment, agency, or organization offering
23 or administering a plan, course, or program of instruction,
24 except the teaching of private lessons of instruction on a
25 singular subject, unless otherwise provided by law.

26 Section 2. Private schools that cease operations
27 shall place the student academic, attendance, and financial

1 aid records in the office of the appropriate school
2 administrator where a repository shall exist to safeguard and
3 to make available the records to authorized persons upon
4 request as follows:

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

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

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

16 Section 3. (a) A parent or guardian has the right to
17 choose the method of education for his or her child or
18 children whether church, religious, parochial, private,
19 public, or private tutor. Any school or institution of any
20 kind having a school in connection therewith shall identify
21 annually on or before August 31st with the department.

22 (1) Nonpublic schools, but not church schools, shall
23 provide to the State Superintendent of Education all of the
24 following:

25 a. Directory information of the school.

26 b. Official accreditation status of the school.

1 c. Attestation of compliance with the Child
2 Protection Act of 1999 and the Alabama compulsory attendance
3 laws.

4 (2) Church schools shall provide to the State
5 Superintendent of Education all of the following:

6 a. Directory information of the school.

7 b. Attestation of compliance with the Child
8 Protection Act of 1999 and the Alabama compulsory attendance
9 laws.

10 (b) No K-12 nonpublic school, including private,
11 church, religious, or parochial schools, shall operate within
12 this state unless the school has first identified with the
13 department.

14 (c) The application for identification of a K-12
15 school shall be made on forms furnished by the department.

16 (d) Schools or courses domiciled outside of the
17 state shall designate a state agent who is a resident of this
18 state to service all complaints against the school.

19 (e) The department may remove any school from the
20 identified list of nonpublic schools if the holder of the
21 identification solicits or enrolls students or administers
22 instruction through fraud, deception, or misrepresentation of
23 their identified information.

24 (f) Identification may not be advertised as an
25 endorsement or recommendation by the department.

1 (g) The department shall annually publish a list of
2 identified nonpublic schools authorized to operate in the
3 state.

4 Section 4. (a) Local public school boards of
5 education shall accept credits and coursework from identified
6 nonpublic schools in the same manner as for public schools.

7 (b) The department and local public school officials
8 shall accept students who transfer to public schools from an
9 identified nonpublic schools in the same manner as students
10 transferring from public schools, without penalty or disparate
11 treatment on the basis of the nonpublic school attendance.

12 (c) Notwithstanding any other provision of law, if a
13 student, parent or guardian believes that the final result of
14 the efforts or decision by school officials for the placement
15 of a nonpublic school student in a public school is improper
16 or inequitable, the student parent or guardian shall have the
17 right to a de novo review by the circuit court in the circuit
18 where the public school is located, and the decision of the
19 circuit court shall be determinative of the placement.

20 Section 5. The department and the boards of
21 education of every political subdivision and municipality
22 shall recognize all accrediting and affiliated or related
23 accrediting agencies of primary and secondary schools, whether
24 public or nonpublic, that are recognized by the United States
25 Department of Education. No nonpublic school shall be required
26 to be accredited for any reason, including for any provision
27 of this act.

1 Section 6. Instruction by a private tutor means and
2 includes only instruction by a person who holds a certificate
3 issued by the State Superintendent of Education, who offers
4 instruction in the several branches of study required to be
5 taught in the public schools of this state, and who meets all
6 requirements set forth in the Child Protection Act of 1999. A
7 private tutor, before beginning the instruction of any child,
8 shall file with the county superintendent of education, where
9 his or her place of instruction is in territory under the
10 control and supervision of the county board of education, or
11 the city superintendent of education, where his or her place
12 of instruction is in territory under the control and
13 supervision of a city board of education, a statement showing
14 the names of all children to be instructed and the subjects to
15 be taught. The tutor shall keep a register of work, showing
16 daily the hours used for instruction and the presence or
17 absence of any child being instructed, and shall make other
18 reports as the State Board of Education may require.

19 Section 7. Throughout the compulsory attendance
20 period, the principal teacher of each private school, and each
21 private tutor, shall report to the local superintendent of
22 education the names and addresses of all children of mandatory
23 school attendance age enrolled in the school who are in
24 violation of state compulsory attendance laws. The enrollment
25 and attendance of a child in a church school shall be filed at
26 the time of enrollment with the local superintendent of
27 education by the parent, guardian, or other person in charge

1 or control of the child on a form countersigned by the
2 administrator of the church school and returned to the local
3 superintendent of education by the parent. Should a child
4 cease attendance at a church school, the parent, guardian, or
5 other person in charge or control of the child, by prior
6 consent at the time of enrollment, shall direct the church
7 school to notify the local superintendent of education, or his
8 or her agent, that the child no longer is in attendance at the
9 church school.

10 Section 8. (a) Any student who graduated from a
11 secondary nonpublic school prior to the effective date of this
12 act, who serves or has served honorably in the United States
13 Military, shall not be denied admission to any public
14 postsecondary institution or program, including the Alabama
15 Fire College and any police academy, or denied employment by
16 the State of Alabama, any political subdivision thereof, or
17 any municipality, based solely on the accreditation status of
18 the nonpublic school from which he or she graduated.

19 (b) Students who have graduated from an accredited
20 or nonaccredited secondary nonpublic school who are seeking
21 admission to a public postsecondary institution or program
22 requiring a high school diploma shall not be required to also
23 take the General Education Development (GED) unless the
24 required minimum entrance examination test score is not met.

25 (c) Any student who graduated from a nonpublic
26 school, whether it is accredited or not accredited, and who

1 otherwise meets entrance requirements, shall be eligible for
2 admission to the Alabama Fire College or any police academy.

3 Section 9. The department shall establish an
4 advisory committee composed of department officials and
5 private school officials representing all types of private
6 schools to review and provide input into the maintenance and
7 modification of the Alabama Administrative Code as pertaining
8 to this act. The advisory committee may review any action
9 taken or policy established by the department in the
10 administration of this act and may offer recommendations to
11 the State Superintendent of Education or the State Board of
12 Education. The advisory committee shall meet at least once
13 annually and as otherwise necessary.

14 Section 10. Any provision of law to the contrary
15 notwithstanding, no public two-year or four-year institution
16 of higher education in the state may deny admission to, or
17 otherwise discriminate against an otherwise qualified student
18 based on the consideration, whether in whole or in part, that
19 the student attended a nonpublic school, including private,
20 church, parochial, or religious school, or was home schooled.

21 Section 11. All laws or parts of laws which conflict
22 with this act are repealed, and specifically Sections 16-28-1,
23 16-28-5, and 16-28-7, Code of Alabama 1975, relating to
24 definitions, private tutors, and reports of enrollment under
25 the school attendance laws of the state, are repealed.

1 Section 12. This act shall become effective on the
2 first day of the third month following its passage and
3 approval by the Governor, or its otherwise becoming law.