

1 SB329
2 166837-1
3 By Senators Coleman, Dunn, Brewbaker and Singleton
4 RFD: Education and Youth Affairs
5 First Read: 02-APR-15

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8 SYNOPSIS: This bill would alter the definition of
9 failing school in the Alabama Accountability Act of
10 2013.

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12 A BILL
13 TO BE ENTITLED
14 AN ACT
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16 To amend Section 16-6D-4, Code of Alabama 1975,
17 relating to definitional phrases for the Alabama
18 Accountability Act of 1013; to provide further for the
19 definition of failing school.

20 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

21 Section 1. Section 16-6D-4, Code of Alabama 1975, is
22 amended to read as follows:

23 "§16-6D-4.

24 "For the purposes of this chapter, the following
25 terms shall have the following meanings:

26 "(1) EDUCATIONAL SCHOLARSHIPS. Grants made by a
27 scholarship granting organization to cover all or part of the

1 tuition and mandatory fees charged by a qualifying school to
2 an eligible student receiving a scholarship.

3 "(2) ELIGIBLE STUDENT. A student who satisfies all
4 of the following:

5 "a. Is a member of a household whose total annual
6 income the year before he or she receives an educational
7 scholarship under this program does not exceed an amount equal
8 to 150 percent of the median household income. Once a student
9 receives an educational scholarship under this program, the
10 student shall remain eligible regardless of household income
11 until the student graduates high school or reaches 19 years of
12 age.

13 "b. Was eligible to attend a public school in the
14 preceding semester or is starting school in Alabama for the
15 first time.

16 "c. Resides in Alabama while receiving an
17 educational scholarship.

18 "(3) FAILING SCHOOL. A public K-12 school that is
19 one or more of the following:

20 ~~"a. Is labeled as persistently low-performing by the~~
21 ~~State Department of Education, in the then most recent United~~
22 ~~States Department of Education School Improvement Grant~~
23 ~~application.~~

24 ~~"b. a.~~ Is designated as a failing school by the
25 State Superintendent of Education.

26 ~~"c. b.~~ Does not exclusively serve a special
27 population of students and, until June 1, 2017, has been

1 listed three or more times during the then-most recent six
2 years in the lowest six percent of public K-12 schools on the
3 state standardized assessment in reading and math or, on or
4 after June 1, 2017, has, during the then-most recent three
5 years, earned at least one grade of "F" or, during the
6 then-most recent four years, earned at least three grades of
7 "D" on the school grading system developed pursuant to Section
8 16-6C-2. In the event sufficient rules required to implement
9 the grading system provided for by Section 16-6C-2 have not
10 been implemented pursuant to the Alabama Administrative
11 Procedure Act in time to provide a sufficient record to
12 implement this subdivision by June 1, 2017, then a failing
13 school shall be a school that has been listed in the lowest 10
14 percent of public K-12 schools in the state standardized
15 assessment in reading and math.

16 "(4) FLEXIBILITY CONTRACT. A school flexibility
17 contract between the local school system and the State Board
18 of Education wherein a local school system may apply for
19 programmatic flexibility or budgetary flexibility, or both,
20 from state laws, regulations, and policies, including
21 regulations and policies promulgated by the State Board of
22 Education and the State Department of Education.

23 "(5) INNOVATION PLAN. The request of a local school
24 system for flexibility and plan for annual accountability
25 measures and five-year targets for all participating schools
26 within the school system.

1 "(6) LOCAL BOARD OF EDUCATION. A city or county
2 board of education that exercises management and control of a
3 local school system pursuant to state law.

4 "(7) LOCAL SCHOOL SYSTEM. A public agency that
5 establishes and supervises one or more public schools within
6 its geographical limits pursuant to state law.

7 "(8) LOW-INCOME ELIGIBLE STUDENT. A student of a
8 family with income equal to or less than two times the federal
9 poverty level.

10 "(9) NONPUBLIC SCHOOL. Any nonpublic or private
11 school, including parochial schools, not under the
12 jurisdiction of the State Superintendent of Education and the
13 State Board of Education, providing educational services to
14 children. A nonpublic school is accredited by a state
15 recognized accrediting agency that provides education to
16 elementary or secondary, or both, students and has notified
17 the State Department of Revenue of its intention to
18 participate in the scholarship program and comply with the
19 requirements of the scholarship program. A nonpublic school
20 does not include home schooling.

21 "(10) PARENT. The parent or legal guardian of a
22 student, with authority to act on behalf of the student, who
23 claims the student as a dependent on his or her Alabama state
24 income tax return.

25 "(11) QUALIFYING SCHOOL. Either a public school
26 outside of the resident school district that is not considered
27 failing under either state or federal standards or any

1 nonpublic school as defined in this chapter or that satisfies
2 the compulsory attendance requirements provided in Section
3 16-28-7. A qualified nonpublic school shall be accredited by
4 one of the six regional accrediting agencies or, if not so
5 accredited, shall satisfy all of the following conditions:

6 "a. Has been in existence for at least three years.

7 "b. Has daily attendance of at least 85 percent over
8 a two-year period.

9 "c. Has a minimum 180-day school year, or its hourly
10 equivalent.

11 "d. Has a day length of at least six and one-half
12 hours.

13 "e. Requires all students to take the Stanford
14 Achievement Test, or its equivalent.

15 "f. Requires all candidates for graduation to take
16 the American College Test before graduation.

17 "g. Requires students in high school in grades nine
18 through 12 to earn a minimum of 24 Carnegie credits before
19 graduating, including 16 credits in core subjects and
20 additional requirements in health and physical education, fine
21 arts, computer studies, and foreign language.

22 "h. Does not subject special education students to
23 the same testing or curricular requirements as regular
24 education students if it is not required in the individual
25 plan for the student.

26 "i. Maintains a current website that describes the
27 school and the instructional program of the school.

1 "j. Annually affirms on forms prescribed by the
2 scholarship granting organization and the department its
3 status financially and academically and provide other relative
4 information as required by the scholarship granting
5 organization or as otherwise required in this chapter.

6 "(12) SCHOLARSHIP GRANTING ORGANIZATION. An
7 organization that provides or is approved to provide
8 educational scholarships to students attending qualifying
9 schools of their parents' choice."

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