

1 HB183
2 126986-1
3 By Representative Oden
4 RFD: Education Policy
5 First Read: 08-MAR-11

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8 SYNOPSIS: Under existing law, any incorporated
9 municipality in the state with a population of
10 5,000 or more may establish a city board of
11 education.

12 This bill would increase the minimum
13 population requirement from 5,000 to 7,500.

14 This bill would require the State Department
15 of Education to determine the financial capability
16 of a municipality to sustain a school system before
17 the municipality could establish a city school
18 system.

19 This bill would specify that these changes
20 would not apply to municipalities that prior to the
21 effective date of this amendatory act have met the
22 inhabitant criteria under prior law and have
23 submitted to the State Superintendent of Education
24 a resolution adopted by the governing body of the
25 municipality stating intent to establish a city
26 board of education.

1 A BILL
2 TO BE ENTITLED
3 AN ACT
4

5 To amend Section 16-11-1, Code of Alabama 1975,
6 relating to city boards of education; to increase the minimum
7 population requirement for establishing a city board of
8 education from 5,000 to 7,500; to require the State Department
9 of Education to determine whether a city is financially
10 capable to sustain a school system before a city may establish
11 a city school system; and to provide certain exceptions.

12 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

13 Section 1. Section 16-11-1 of the Code of Alabama
14 1975, is amended to read as follows:

15 "§16-11-1.

16 "(a) A "city" within the meaning of this title shall
17 include all incorporated municipalities of ~~5,000~~ 7,500 or more
18 inhabitants, according to the last or any succeeding federal
19 census, or according to the last or any succeeding census
20 taken under the provisions of Sections 11-47-90 through
21 11-47-95.

22 "(b) After the effective date of the act adding this
23 subsection, a city school system may only be established in
24 those cities that are determined by the State Department of
25 Education to be financially capable of sustaining a city
26 school system. The governing body of the city shall submit
27 detailed financial information, as determined by the

1 department, to the department and the department shall review
2 and verify that information. Based upon, but not limited to,
3 the financial information provided, the department shall
4 determine each of the following:

5 "(1) Whether students included within the proposed
6 city school system will receive, at a minimum, the same amount
7 of local per pupil expenditures as are expended per pupil in
8 the applicable county school system.

9 "(2) Whether the per pupil expenditures of the
10 applicable county school system will be adversely affected by
11 the creation of a city school system.

12 "(c) If the department determines a city is
13 financially capable to sustain a school system pursuant to
14 subsection (b), the city may establish a city school system.

15 "(d) Subsections (b) and (c) shall not apply to
16 those municipalities that prior to the effective date of this
17 amendatory act have met the inhabitant criteria for
18 establishing a city board of education as previously set forth
19 in this section and have also submitted, and the State
20 Superintendent of Education has received, a resolution adopted
21 by the governing body of the municipality stating intent to
22 establish a city board of education."

23 Section 2. This act shall become effective
24 immediately following its passage and approval by the
25 Governor, or its otherwise becoming law.