

1 HB459
2 128508-1
3 By Representative Williams (P)
4 RFD: Education Policy
5 First Read: 06-APR-11

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8 SYNOPSIS: This bill would establish the Alabama
9 Charter School Pilot Program Act of 2011.

10 This bill would provide for the creation and
11 operation of independent public charter schools in
12 the state through existing public school systems by
13 providing a mechanism for local boards of education
14 to authorize the establishment of charter schools.

15 This bill would require the State Board of
16 Education to design a petition for establishing or
17 continuing a charter school and would require
18 submission and review of the petition by the local
19 board of education.

20 This bill would specify the elements
21 required for the continued operation of a charter
22 school and would provide for the procedure to be
23 followed by the local board of education in making
24 a determination to grant or deny a petition.

25 This bill would specify reasons for a local
26 board of education to revoke a charter.

1 This bill would authorize a local board of
2 education to provide transportation to charter
3 school students.

4 This bill would provide for the
5 participation of charter school employees in the
6 Retirement Systems of Alabama and the Public
7 Education Employees Health Insurance Program.

8 This bill would also provide for the annual
9 evaluation of the operation of each charter school
10 and the submission of a compilation of the
11 evaluations to the Governor and the Legislature.

12
13 A BILL

14 TO BE ENTITLED

15 AN ACT

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17 To establish the Alabama Charter School Pilot
18 Program Act of 2011; to provide for the creation and operation
19 of independent public charter schools in the state through
20 existing public school systems; to provide a mechanism for
21 local boards of education to authorize the establishment of
22 charter schools; to require the State Board of Education to
23 design a petition for establishing or continuing a charter
24 school; to require submission and review of a petition by the
25 local board of education; to specify the elements required for
26 the continued operation of a charter school; to provide a
27 procedure for a local board of education to determine whether

1 to grant or deny a petition; to specify reasons for the
2 revocation of a charter; to authorize a local board of
3 education to provide transportation to charter school
4 students; to permit the participation of charter school
5 employees in the Retirement Systems of Alabama and the Public
6 Education Employees Health Insurance Program; to provide for
7 the annual evaluation of charter schools; and to require
8 annual reporting by the State Board of Education to the
9 Governor and the Legislature.

10 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

11 Section 1. This act shall be known and may be cited
12 as the Alabama Charter School Pilot Program Act of 2011

13 Section 2. It is the intent of the Legislature to
14 provide an alternative means within the public school system
15 for ensuring accomplishment of the necessary outcomes of
16 education by offering opportunities for school building or
17 school system employees, groups, educational services
18 contractors, and other persons or entities to establish and
19 maintain charter schools that operate within a school system
20 structure, but independently of other schools within the
21 system.

22 Section 3. For the purposes of this act, the term
23 charter school is a separate and distinct form of public
24 school, attendance at which is voluntary, which is established
25 to accomplish one or more of the purposes provided by this
26 act. A charter school may be maintained in a separate facility
27 or in an existing school facility if the charter school is

1 operated separately from any other school in the shared
2 facility. Each charter school shall offer a general curriculum
3 appropriate to the grade levels offered at the charter school,
4 and may include one or more special programs as a part of its
5 curriculum. A charter school may also be organized around a
6 special emphasis, theme, or concept or may utilize innovative
7 educational methods or practices, or any combination of these.

8 Section 4. A local board of education, individually
9 or jointly with any other local board of education, may
10 authorize the establishment of a nonsectarian charter school
11 as a means of providing new opportunities in accomplishing all
12 of the following:

13 (1) Improved student learning.

14 (2) Increased instructional opportunities for
15 students in special areas of emphasis in accord with the theme
16 established for the charter school.

17 (3) Creative and unconventional instructional
18 techniques and structures.

19 (4) New professional vistas for teachers who operate
20 such schools or who choose to work in such schools.

21 (5) Freedom from conventional program constraints
22 and mandates.

23 Section 5. (a) The State Board of Education shall
24 design and prescribe the format of a petition for the
25 establishment of a charter school. The petition shall be
26 designed in a manner that provides for the inclusion of a
27 description of the key elements of the charter under which the

1 school is to be operated. A local board of education may adopt
2 policies and procedures for receiving, reviewing, and
3 screening petitions.

4 (b) A petition for the establishment of a charter
5 school may be prepared and submitted, by or on behalf of a
6 school building or school system employee group, an
7 educational services contractor, or any other person or
8 entity, to the local board of education. The petition shall be
9 submitted by not later than December 1 of the school year
10 preceding the school year in which the charter school is
11 proposed to be established.

12 (c) The local board of education shall receive and
13 review each petition for establishment or continuation of a
14 charter school and may grant or renew a charter for operation
15 of a charter school. The charter shall include, but not be
16 limited to, all of the following elements:

17 (1) A description of the educational program of the
18 charter school, including a description of any physical
19 facilities to be used by the program.

20 (2) A description of the level of interest and
21 support expressed by school system employees, parents, and the
22 community.

23 (3) Specification of program goals and measurable
24 student outcomes consistent with achieving those goals.

25 (4) An explanation of how student performance in
26 achieving the specified outcomes is to be measured, evaluated,
27 and reported.

1 (5) The governance structure of the school,
2 including the means of ensuring accountability to the local
3 board of education.

4 (6) A description of qualifications required to be
5 satisfied by any person employed by the school system who
6 requests assignment to the charter school.

7 (7) Procedures to be followed to ensure the health
8 and safety of students and staff.

9 (8) Criteria for the admission of students
10 including, but not limited to, a description of a random
11 selection method to be used if too many students seek
12 enrollment in the school.

13 (9) The manner in which annual financial and program
14 audits shall be conducted.

15 (10) Student suspension and expulsion policies, to
16 the extent there is any deviation from policies adopted by the
17 local school board.

18 (11) The manner in which students shall
19 participation in the Alabama assessment program.

20 (12) The terms and conditions of employment by the
21 charter school.

22 (13) Specification of the manner in which contracts
23 of employment and the status of certificated employees of the
24 system who participate in the operation of the school shall be
25 handled upon nonrenewal or revocation of the charter or upon a
26 decision by such employee to discontinue participation in the
27 operation of the charter school.

1 (14) The proposed budget of the charter school
2 including, but not limited to, an estimate of any federal
3 funds that may be received and how such funds shall be used.

4 (15) A description of how the budget shall be funded
5 if federal funds are not available.

6 (d) In addition to satisfying the local board of
7 education of those elements listed in subsection (c), to
8 qualify for establishment or continuation, a charter school
9 shall also satisfy all of the following requirements:

10 (1) The school shall be focused on outcomes or
11 results.

12 (2) Students enrolled in the school shall be
13 reasonably reflective of the racial and socioeconomic
14 composition of the school system as a whole.

15 (3) Students may not be charged tuition.

16 (4) Compliance with applicable health, safety, and
17 access laws shall be assured.

18 (5) The school shall show efforts to serve the
19 special education population, as appropriate.

20 (e) If, upon receipt of a petition for the
21 establishment or continuation of a charter school, a local
22 board of education finds the petition to be incomplete, the
23 board may request that the petitioner provide any information
24 necessary to make the petition complete. After receiving a
25 complete petition, the local board of education shall give
26 notice of the time, date, and place for the holding of a

1 public hearing on the petition and shall rule on the petition
2 within 30 days after the public hearing.

3 (1) If the board denies the petition, the board
4 shall send a notification of denial to the petitioner
5 specifying, in writing, the reasons for the denial. A copy of
6 the notification shall also be submitted to the State Board of
7 Education. Within 30 days after the date of the notification
8 of denial, the petitioner may submit a request to the local
9 board for reconsideration of the petition and may submit an
10 amended petition with the request. The board shall act on the
11 request for reconsideration within 30 days after receipt of
12 the request.

13 (2) If the local board of education approves the
14 petition, the board shall notify the petitioner and the State
15 Board of Education within 30 days after the approval, or by
16 February 1 of the school year preceding the school year in
17 which the charter school is proposed to be established,
18 whichever is earlier.

19 (f) Any provision of this act to the contrary
20 notwithstanding, any law or rule relating to public K-12
21 education is waived for a charter school unless specifically
22 included in the charter school contract by the authorizing
23 local board of education.

24 Section 6. (a) If a charter school has been approved
25 for establishment or continuation by the local board of
26 education, no additional approval shall be required for a
27 period of five school years. The local board of education may

1 either renew the charter and continue operation of the school,
2 or nonrenew the charter and discontinue operation of the
3 school.

4 (b) Renewal of the operational status of a charter
5 school shall be approved only if the charter school has
6 demonstrated progress in achieving the program goals
7 originally established by the charter school. The local board
8 of education shall first determine whether the charter school
9 is demonstrating such progress.

10 (c) The local board of education shall revoke the
11 charter of a school if the charter school does any of the
12 following:

13 (1) Materially violates any provision of the
14 charter.

15 (2) Fails to make progress in achieving the program
16 goals contained in the charter.

17 (3) Fails to comply with the fiscal accountability
18 procedures specified in the charter.

19 (4) Violates any rule of the State Board of
20 Education that has not been waived by the State Board of
21 Education.

22 (5) Fails to adhere to an enrollment or selection
23 process that provides equal opportunity to all students
24 without regard to racial and socioeconomic status.

25 (d) Prior to nonrenewing or revoking a charter, a
26 local board of education shall hold a hearing on any issues in
27 controversy. A spokesperson for the charter school shall be

1 provided an opportunity to present information refuting the
2 basis upon which the nonrenewal or revocation is premised. At
3 least 30 days' notice shall be provided to representatives of
4 the charter school before the hearing. Within 60 days after
5 the hearing, the local board of education shall announce its
6 decision regarding the nonrenewal or revocation issue. The
7 board may abandon the proposed nonrenewal or revocation,
8 nonrenew or revoke the charter, or continue recognition of the
9 charter contingent upon compliance with specified conditions.
10 The decision of a local board of education to nonrenew or
11 revoke a charter shall be made in writing to the charter
12 school and shall specify the reasons for the nonrenewal or
13 revocation. The decision of the local board of education is
14 not subject to appeal. The charter school may repetition the
15 local board for authority to operate a charter school, or
16 within 30 days after the decision, the charter school may
17 submit a written request to the board of education for the
18 reconsideration of its decision and may submit an amended
19 petition with the request for reconsideration. The board shall
20 act on the request within 30 days after the request for
21 reconsideration is received by the board.

22 Section 7. The local board of education of the
23 school system in which a charter school is being operated may
24 provide transportation for students to and from the charter
25 school.

26 Section 8. (a) An employee who is participating in
27 the operation of a charter school, who otherwise qualifies for

1 membership in the Retirement Systems of Alabama, may be a
2 member of the system.

3 (b) An employee who is participating in the
4 operation of a charter school, who otherwise qualifies for
5 health insurance and other fringe benefit programs provided
6 through the Alabama Public Education Employee Health Insurance
7 Program, may be eligible to participate in those programs.

8 Section 9. (a) The State Board of Education, upon
9 request, shall provide any school building or school system
10 employee group, educational services contractor, or any other
11 person or entity with technical advice and assistance
12 regarding the establishment and operation of a charter school
13 or the preparation of a petition requesting authorization from
14 a local board of education to establish and operate a charter
15 school.

16 (b) At the conclusion of each school year in which a
17 charter school is operated in a school system, the local board
18 of education shall evaluate the impact the charter school has
19 had on the local educational system and shall submit the
20 evaluation to the State Board of Education. If applicable, the
21 evaluation shall include a statement regarding the reasons why
22 a charter school was discontinued or did not seek renewal and
23 whether the program shall continue as a non-charter school.
24 The State Board of Education shall review, assess, and compile
25 the evaluations of charter schools submitted by all local
26 boards of education in the state and shall submit the
27 compilation of evaluations and other relevant material to the

1 Governor and the Legislature on or before the fifth
2 legislative day of each regular session.

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