

1 HB84
2 145703-7
3 By Representative Fincher
4 RFD: Education Policy
5 First Read: 05-FEB-13
6 PFD: 01/24/2013

1 innovation and creativity by allowing flexibility from state
2 laws, regulations, and policies.

3 Section 3. (a) The Legislature finds and declares
4 all of the following:

5 (1) To further the goals of public education
6 throughout the state, each school system should be able to
7 have maximum possible flexibility to meet the needs of
8 students and the communities within its jurisdiction.

9 (2) There is a critical need for innovative models
10 of public education that are tailored to the unique
11 circumstances and needs of the students in all schools and
12 communities, and especially in schools and communities that
13 are struggling to improve academic outcomes and close the
14 achievement gap.

15 (3) To better serve students and better use
16 available resources, local boards of education and local
17 school systems need the ability to explore flexible
18 alternatives in an effort to be more efficient and effective
19 in providing operational and programmatic services.

20 (b) Therefore, it is the intent of the Legislature
21 to do all of the following:

22 (1) Allow school systems greater flexibility in
23 meeting the educational needs of a diverse student population.

24 (2) Improve educational performance through greater
25 individual school autonomy and managerial flexibility with
26 regard to programs and budgetary matters.

1 (3) Encourage innovation in education by providing
2 local school systems and school administrators with greater
3 control over decisions including, but not limited to,
4 budgetary matters, staffing, personnel, scheduling, and
5 educational programming, including curriculum and instruction.

6 Section 4. For the purposes of this act, the
7 following terms shall have the following meanings:

8 (1) FLEXIBILITY CONTRACT. A school flexibility
9 contract between the local school system and the State Board
10 of Education wherein a local school system may apply for
11 programmatic flexibility or budgetary flexibility, or both,
12 from state laws, regulations, and policies, including
13 regulations and policies promulgated by the State Board of
14 Education and the State Department of Education.

15 (2) INNOVATION PLAN. The request of a local school
16 system for flexibility and plan for annual accountability
17 measures and five-year targets for all participating schools
18 within the school system.

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

22 (4) LOCAL SCHOOL SYSTEM. A public agency that
23 establishes and supervises one or more public schools within
24 its geographical limits pursuant to state law.

25 (5) SCHOOL ADMINISTRATOR. A local superintendent of
26 education or local school principal, unless otherwise
27 specified.

1 Section 5. (a) Pursuant to this act, to be
2 considered as an innovative school system, a local school
3 system shall successfully comply with the requirements and
4 procedures set forth by the State Department of Education
5 regarding school flexibility contracts, which include, but are
6 not limited to:

7 (1) Submission to the State Department of Education
8 of a letter of intent to pursue a school flexibility contract.

9 (2) Submission to the State Department of Education
10 of a resolution adopted by the local board of education
11 supporting the intent of the local school system to pursue a
12 school flexibility contract.

13 (3) Submission to the State Department of Education
14 of a document of assurance stating that the local board of
15 education shall provide consistency in leadership and a
16 commitment to state standards, assessments, and academic
17 rigor.

18 (4) Submission to the State Board of Education of a
19 resolution adopted by the local board of education supporting
20 the flexibility contract proposal and the anticipated timeline
21 of the local school system.

22 (b) Pursuant to State Board of Education rules, each
23 local school system shall provide an opportunity for full
24 discussion and public input, including a public hearing,
25 before submitting a school flexibility contract proposal to
26 the State Board of Education.

1 (c) A local school system shall ensure that its
2 school flexibility contract proposal and innovation plan is
3 easily accessible to the general public on the website of the
4 local school system.

5 Section 6. (a) The innovation plan of a local school
6 system shall include, at a minimum, all of the following:

7 (1) The school year that the local school system
8 expects the school flexibility contract to begin.

9 (2) The list of state laws, regulations, and
10 policies, including rules, regulations, and policies
11 promulgated by the State Board of Education and the State
12 Department of Education, that the local school system is
13 seeking to waive in its school flexibility contract.

14 (3) A list of schools included in the innovation
15 plan of the local school system.

16 (b) A local school system is accountable to the
17 state for the performance of all schools in its system,
18 including innovative schools, under state and federal
19 accountability requirements.

20 (c) A local school system may not, pursuant to this
21 act, waive requirements imposed by federal law, requirements
22 related to the health and safety of students or employees,
23 requirements imposed by ethics laws, requirements imposed by
24 open records or open meetings laws, requirements related to
25 financial or academic reporting or transparency, requirements
26 designed to protect the civil rights of students or employees,
27 requirements related to ~~participation in a~~ the state

1 retirement system or state health insurance plan, or
2 requirements imposed by Section 16-13-231, Code of Alabama
3 1975. This act may not be construed to allow a ~~local school~~
4 ~~system to compensate a current employee at an annual rate that~~
5 ~~is less than the amount the current employee~~ local school
6 system to compensate an employee at an annual amount that is
7 less than the amount the employee would otherwise be afforded
8 through the State Minimum Salary Schedule included in the
9 annual Education Trust Fund Appropriations Act ~~in force at the~~
10 ~~time~~. Additionally, this act may not be construed to allow a
11 local school system to require any employee or future employee
12 who attains tenure or nonprobationary status to involuntarily
13 relinquish any rights or privileges acquired by that employee
14 as a result of attaining tenure or nonprobationary status
15 under the Students First Act.

16 No provision of this act shall be construed or shall
17 be used to authorize the formation of a charter school.

18 (d) Nothing in this act shall be construed to
19 prohibit the approval of a flexibility contract that gives
20 potential, current, or future employees the option to
21 voluntarily waive any rights or privileges already acquired or
22 that could potentially be acquired as a result of attaining
23 tenure or nonprobationary status, provided, however, that any
24 employee provided this option is also provided the option of
25 retaining or potentially obtaining any rights or privileges
26 provided under the Students First Act, Chapter 24C of Title
27 16, Code of Alabama 1975.

1 ~~(d)~~ (e) The State Department of Education shall
2 finalize all school data and the local school system shall
3 seek approval of the local board of education before final
4 submission to the State Department of Education and the State
5 Board of Education.

6 ~~(e)~~ (f) The final innovation plan, as recommended by
7 the local superintendent of education and approved by the
8 local board of education, shall accompany the formal
9 submission of the local school system to the State Department
10 of Education.

11 ~~(f)~~ (g) Within 60 days of receiving the final
12 submission, the State Superintendent of Education shall decide
13 whether or not the school flexibility contract and the
14 innovation plan should be approved. If the State
15 Superintendent of Education denies a school flexibility
16 contract and innovation plan, he or she shall provide a
17 written explanation for his or her decision to the local board
18 of education. Likewise, a written letter of approval by the
19 State Superintendent of Education shall be provided to the
20 local board of education that submitted the final school
21 flexibility contract and innovation plan.

22 ~~(f)~~ ~~(g)~~ (h) The State Board of Education shall
23 promulgate any necessary rules and regulations required to
24 implement this act including, but not limited to, all of the
25 following:

1 (1) The specification of timelines for submission
2 and approval of the innovation plan and school flexibility
3 contract of a local school system.

4 (2) An authorization for the State Department of
5 Education, upon approval by the State Board of Education after
6 periodic review, to revoke a school flexibility contract for
7 noncompliance or nonperformance, or both, by a local school
8 system.

9 (3) An outline of procedures and necessary steps
10 that a local school system shall follow, upon denial of an
11 original submission, to amend and resubmit an innovation plan
12 and school flexibility contract for approval.

13 Section 7. The State Board of Education and the
14 State Department of Education shall ensure equal opportunity
15 for all school systems that apply for programmatic flexibility
16 or budgetary flexibility, or both, as delineated in this act,
17 and in no way shall one local school system be favored over
18 another local school system based upon its size, location,
19 student population, or any other possible discriminatory
20 measure.

21 Section 8. This act shall become effective
22 immediately following its passage and approval by the
23 Governor, or its otherwise becoming law.

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House of Representatives

Read for the first time and re-
ferred to the House of Representa-
tives committee on Education Policy
..... 05-FEB-13

Read for the second time and placed
on the calendar 2 amendments 06-FEB-13

Read for the third time and passed
as amended..... 14-FEB-13

Yeas 65, Nays 37, Abstains 0

Jeff Woodard
Clerk