

1 SB430
2 151361-2
3 By Senators Figures, Smitherman, Coleman, Irons, Beasley,
4 Keahey, Singleton, Bedford, Dunn, Sanders and Ross
5 RFD: Education
6 First Read: 11-APR-13

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8 SYNOPSIS: This bill would establish the Local Control
9 School Flexibility Act of 2013.

10 This bill would authorize the establishment
11 of innovative schools and school systems in the
12 State of Alabama.

13 This bill would allow the State Board of
14 Education to enter into a school flexibility
15 contract with a local school system to allow for
16 programmatic flexibility or budgetary flexibility,
17 or both, from state laws, including State Board of
18 Education rules, regulations, and policies in
19 exchange for academic and associated goals for
20 students that focus on college and career
21 readiness.

22 This bill would require the local board of
23 education to submit a document of assurance that
24 the local board shall provide consistency in
25 leadership and a commitment to the standards,
26 assessments, and academic rigor expected in
27 Alabama.

1 This bill would require the local school
2 system to submit a proposed innovation plan
3 recommended by the local superintendent of
4 education and approved by the local board of
5 education to the State Superintendent of Education
6 in order to qualify for innovation status.

7 This bill would authorize the State Board of
8 Education to promulgate any necessary rules and
9 regulations as required for implementation.

10 This bill would also repeal the Alabama
11 Accountability Act of 2013.

12
13 A BILL

14 TO BE ENTITLED

15 AN ACT

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17 To establish the Local Control School Flexibility
18 Act of 2013, relating to public K-12 education; to authorize
19 the establishment of innovative schools and school systems in
20 the state; to provide legislative findings and purposes; to
21 provide an overview; to authorize the State Board of Education
22 to enter into school flexibility contracts with local school
23 systems; to require the local board of education to submit a
24 document of assurance; to require the State Board of Education
25 to promulgate rules and regulations relating to innovative
26 school systems; to require local school systems to submit an
27 innovation plan to the State Department of Education in order

1 to qualify for innovation status; to repeal the Alabama
2 Accountability Act of 2013, Act 2013-64, proposed by House
3 Bill 84 of the 2013 Regular Session (Acts 2013); and to
4 provide for an effective date.

5 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

6 Section 1. This act shall be known and may be cited
7 as the Local Control School Flexibility Act of 2013.

8 Section 2. (a) Innovative schools and school systems
9 may be established in Alabama in accordance with this act.

10 (b) The purpose of this act is to advance the
11 benefits of local school and school system autonomy in
12 innovation and creativity by allowing flexibility from state
13 laws, regulations, and policies.

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

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

20 (2) There is a critical need for innovative models
21 of public education that are tailored to the unique
22 circumstances and needs of the students in all schools and
23 communities, and especially in schools and communities that
24 are struggling to improve academic outcomes and close the
25 achievement gap.

26 (3) To better serve students and better use
27 available resources, local boards of education and local

1 school systems need the ability to explore flexible
2 alternatives in an effort to be more efficient and effective
3 in providing operational and programmatic services.

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

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

8 (2) Improve educational performance through greater
9 individual school autonomy and managerial flexibility with
10 regard to programs and budgetary matters.

11 (3) Encourage innovation in education by providing
12 local school systems and school administrators with greater
13 control over decisions including, but not limited to,
14 budgetary matters, staffing, personnel, scheduling, and
15 educational programming, including curriculum and instruction.

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

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

25 (2) INNOVATION PLAN. The request of a local school
26 system for flexibility and plan for annual accountability

1 measures and five-year targets for all participating schools
2 within the school system.

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

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

9 (5) SCHOOL ADMINISTRATOR. A local superintendent of
10 education or local school principal, unless otherwise
11 specified.

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

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

20 (2) Submission to the State Department of Education
21 of a resolution adopted by the local board of education
22 supporting the intent of the local school system to pursue a
23 school flexibility contract.

24 (3) Submission to the State Department of Education
25 of a document of assurance stating that the local board of
26 education shall provide consistency in leadership and a

1 commitment to state standards, assessments, and academic
2 rigor.

3 (4) Submission to the State Board of Education of a
4 resolution adopted by the local board of education supporting
5 the flexibility contract proposal and the anticipated timeline
6 of the local school system.

7 (b) Pursuant to State Board of Education rules, each
8 local school system shall provide an opportunity for full
9 discussion and public input, including a public hearing,
10 before submitting a school flexibility contract proposal to
11 the State Board of Education.

12 (c) A local school system shall ensure that its
13 school flexibility contract proposal and innovation plan is
14 easily accessible to the general public on the website of the
15 local school system.

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

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

20 (2) The list of state laws, regulations, and
21 policies, including rules, regulations, and policies
22 promulgated by the State Board of Education and the State
23 Department of Education, that the local school system is
24 seeking to waive in its school flexibility contract.

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

1 (b) A local school system is accountable to the
2 state for the performance of all schools in its system,
3 including innovative schools, under state and federal
4 accountability requirements.

5 (c) A local school system may not, pursuant to this
6 act, waive requirements imposed by federal law, requirements
7 related to the health and safety of students or employees,
8 requirements imposed by ethics laws, requirements imposed by
9 open records or open meetings laws, requirements related to
10 financial or academic reporting or transparency, requirements
11 designed to protect the civil rights of students or employees,
12 requirements related to the state retirement system or state
13 health insurance plan, or requirements imposed by Section
14 16-13-231, Code of Alabama 1975. This act may not be construed
15 to allow a local school system to compensate an employee at an
16 annual amount that is less than the amount the employee would
17 otherwise be afforded through the State Minimum Salary
18 Schedule included in the annual Education Trust Fund
19 Appropriations Act. Additionally, this act may not be
20 construed to allow a local school system to require any
21 employee or future employee who attains tenure or
22 nonprobationary status to involuntarily relinquish any rights
23 or privileges acquired by that employee as a result of
24 attaining tenure or nonprobationary status under the Students
25 First Act.

26 (d) No provision of this act shall be construed or
27 shall be used to authorize the formation of a charter school.

1 (e) Nothing in this act shall be construed to
2 prohibit the approval of a flexibility contract that gives
3 potential, current, or future employees the option to
4 voluntarily waive any rights or privileges already acquired or
5 that could potentially be acquired as a result of attaining
6 tenure or nonprobationary status, provided, however, that any
7 employee provided this option is also provided the option of
8 retaining or potentially obtaining any rights or privileges
9 provided under the Students First Act, Chapter 24C of Title
10 16, Code of Alabama 1975.

11 (f) The State Department of Education shall finalize
12 all school data and the local school system shall seek
13 approval of the local board of education before final
14 submission to the State Department of Education and the State
15 Board of Education.

16 (g) The final innovation plan, as recommended by the
17 local superintendent of education and approved by the local
18 board of education, shall accompany the formal submission of
19 the local school system to the State Department of Education.

20 (h) Within 60 days of receiving the final
21 submission, the State Superintendent of Education shall decide
22 whether or not the school flexibility contract and the
23 innovation plan should be approved. If the State
24 Superintendent of Education denies a school flexibility
25 contract and innovation plan, he or she shall provide a
26 written explanation for his or her decision to the local board
27 of education. Likewise, a written letter of approval by the

1 State Superintendent of Education shall be provided to the
2 local board of education that submitted the final school
3 flexibility contract and innovation plan.

4 (i) The State Board of Education shall promulgate
5 any necessary rules and regulations required to implement this
6 act including, but not limited to, all of the following:

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

10 (2) An authorization for the State Department of
11 Education, upon approval by the State Board of Education after
12 periodic review, to revoke a school flexibility contract for
13 noncompliance or nonperformance, or both, by a local school
14 system.

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

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

1 Section 8. All laws or parts of laws which conflict
2 with this act are repealed. Act 2013-64, proposed by House
3 Bill 84 of the 2013 Regular Session (Acts 2013), the Alabama
4 Accountability Act of 2013, is specifically repealed.

5 Section 9. This act shall become effective
6 immediately following its passage and approval by the
7 Governor, or its otherwise becoming law.