

1 SB443
2 159473-6
3 By Senators Beason, Glover, Sanford, McGill, Holley, Marsh,
4 Ward, Hightower, Allen, Smith, Whatley, Pittman and Reed
5 RFD: Education
6 First Read: 05-MAR-14

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8 SYNOPSIS: Under existing law, the State Board of
9 Education has adopted, for implementation in the
10 public K-12 schools of the state, the curriculum
11 provided for Mathematics and English Language Arts
12 pursuant to the educational initiative commonly
13 referred to as the Common Core State Educational
14 Standards.

15 This bill would authorize a local board of
16 education to opt out of the common core curriculum
17 for one or both of those subject areas and to
18 implement an alternative curriculum for those
19 subject areas in the local school system.

20
21 A BILL
22 TO BE ENTITLED
23 AN ACT
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25 Relating to public K-12 education curriculum; to
26 provide for a moratorium on the further adoption or use of
27 common core curriculum subjects until January 1, 2017; to

1 authorize a local board of education to opt out of the
2 currently adopted common core curriculum subject areas in the
3 state and to implement an alternative curriculum for those
4 subject areas in the local school system; to require the
5 annual testing of students for proficiency in Math and English
6 Language Arts; and to establish the Alabama Curriculum
7 Standards Advisory Commission to evaluate and report on test
8 results.

9 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

10 Section 1. The Legislature finds and declares that
11 it is imperative to the educational system of the State of
12 Alabama that local school systems have the ability to control
13 curriculum, standards, and instruction at the local level. As
14 such, this act shall be interpreted in a manner that
15 facilitates the option, at the local level, for a local school
16 system to opt out of the implementation of the common core
17 curriculum, standards, instruction, or data collection
18 regimen, or any or all of these.

19 Section 2. For the purposes of this act, the
20 following terms shall have the following meanings:

21 (1) COMMON CORE CURRICULUM. The educational
22 initiative commonly referred to as the Common Core State
23 Educational Standards, or any derivative thereof, including
24 the Alabama College and Career Ready Standards. The term also
25 includes any national content standards established by a
26 consortium of states or a third party including, but not
27 limited to, the Next Generation Science Standards, the

1 National Curriculum for Social Studies, the National Health
2 Education Standards, and the National Sexuality Standards.

3 (2) CURRENTLY ADOPTED COMMON CORE SUBJECTS. The two
4 subjects of the common core curriculum that have been adopted
5 by the State Board of Education: Mathematics and English
6 Language Arts. The term specifically excludes the common core
7 curriculum for the subjects of Science, History, and Social
8 Studies. English Language Arts courses of study are restricted
9 to traditional definitions of literature, grammar, and
10 composition and shall not be incorporated into other courses
11 of study.

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

15 (4) LOCAL SCHOOL SYSTEM. A public agency that
16 establishes and supervises one or more public K-12 schools
17 within its geographical limits pursuant to state law.

18 (5) OPT OUT PLAN. The plan of a local school system
19 wherein the local school system elects to implement an
20 alternative curriculum, alternative standards, or alternative
21 instructional plans for currently adopted common core
22 subjects. This may also include an election by the local board
23 not to participate in the student data collection regimen that
24 accompanies common core curriculum.

25 Section 3. Commencing on the effective date of this
26 act, and ending on January 1, 2017, the State Board of
27 Education and each local board of education may not adopt,

1 implement, approve, or expend any funds in furtherance of a
2 common core curriculum beyond the currently adopted common
3 core subjects.

4 Section 4. (a) A local board of education may
5 continue to implement the currently adopted common core
6 subjects in the local school system or may opt out of one or
7 both of the currently adopted common core subjects, or the
8 accompanying student data collection regimen, in the local
9 school system and implement alternative curriculum, standards,
10 or instructional plans for those subject areas. At a minimum,
11 the alternative curriculum shall satisfy the curriculum
12 standards in effect for the subject area or areas before the
13 currently adopted common core subjects were adopted by the
14 State Board of Education.

15 (b) A local board of education that elects to opt
16 out of currently adopted common core subjects pursuant to
17 subsection (a) shall submit all of the following to the State
18 Department of Education:

19 (1) A letter of intent to opt out of one or both of
20 the subject areas of the currently adopted common core
21 subjects or the accompanying data collection regimen.

22 (2) A resolution adopted by the local board of
23 education supporting the intent of the local school system to
24 opt out.

25 (3) The opt out plan adopted by the local board of
26 education to pursue an alternative curriculum, standards, or

1 instructional plans in one or both of the currently adopted
2 common core subjects.

3 (c) The opt out plan of a local school system shall
4 include, at a minimum, all of the following if the plan
5 differs from the adoption of the curriculum, standards, or
6 instructional plans in effect immediately before the adoption
7 of the common core curriculum:

8 (1) The date that the local school system expects to
9 implement the alternative curriculum, standards, or
10 instructional plans.

11 (2) A description of the alternative curriculum,
12 standards, or instructional plans to be implemented for each
13 subject area.

14 (3) A list of schools included within the local
15 school system.

16 (d) The final opt out plan, as approved by the local
17 board of education, shall accompany the formal submission of
18 the local school system to the State Department of Education
19 pursuant to subdivision (3) of subsection (b).

20 Section 5. (a) Neither the State Board of Education
21 nor a local school system may cede control of any standards or
22 curriculum to an entity outside of the State of Alabama, nor
23 shall any public official acting in his or her official
24 capacity join any consortium, association, or entity that
25 would relinquish any measure of control over standards and
26 assessments to any individual or entity outside of the State
27 of Alabama, nor shall any public official acting in his or her

1 official capacity join any consortium, association, or entity
2 that would relinquish any measure of control over standards
3 and assessments to any individual or entity outside of the
4 State of Alabama.

5 (b) The curriculum, standards, or instructional
6 plans selected by a local board of education shall not affect
7 any associated state funding and reimbursement of the local
8 school system. State and local funding including, but not
9 limited to, financial assistance for the purchasing of new
10 textbooks that are appropriate to the curriculum, standards,
11 or instructional plans chosen, shall continue at the same
12 level or percentage, without penalty, regardless of the
13 curriculum, standards, or instructional plans selected by the
14 local school system. Any assistance provided to help implement
15 common core curriculum shall be matched to implement
16 alternatives to common core curriculum.

17 Section 6. The State Board of Education shall
18 establish and implement procedures to annually test the
19 proficiency of public K-12 students in at least three grade
20 levels as specified by the State Board of Education including
21 primary, intermediate, and secondary grade levels. Testing
22 shall be uniformly implemented throughout the state in all
23 local school systems, including common core curriculum systems
24 and alternative curriculum systems. Testing shall be based on
25 the standards in effect before the adoption of the common core
26 curriculum. Testing shall be administered by an independent
27 testing agency that is not affiliated with any group

1 proposing, implementing, promoting, or aligning with any
2 particular curriculum. All testing shall be based on subject
3 matter proficiency, independent of any particular world view,
4 and not on a particular curriculum or method of problem
5 solving.

6 Section 7. (a) There is created the Alabama
7 Curriculum Standards Advisory Commission.

8 (b) The membership of the commission shall include
9 one classroom teacher and one parent or legal guardian of a
10 student attending public K-12 school from each congressional
11 district as appointed by the Governor. The membership of the
12 commission shall be inclusive and reflect the racial, gender,
13 geographic, urban/rural, and economic diversity of the state.

14 (c) A quorum of the commission for the transaction
15 of business shall be eight members.

16 (d) The commission shall independently evaluate the
17 testing procedures and results of testing of all public
18 schools annually, and shall compare the results of the schools
19 based on the form of curriculum utilized by the local school
20 system. Data collected shall be limited to information
21 directly related to testing, such as the age, race, special
22 education classification, grade level, and test score of the
23 student.

24 (e) The ongoing results of the evaluation shall be
25 submitted to the Governor, the Chair of the Senate Education
26 Committee, and the Chair of the House Education Policy
27 Committee on or before the fifth legislative day of the 2016

1 and 2017 Regular Sessions. Every member of the Legislature
2 shall be given notice when the results are available and shall
3 be provided access to those results. The results shall also be
4 posted on the website of the State Board of Education and a
5 prominent link to the results shall appear on the Internet
6 home page of the State Board of Education.

7 (f) (1) A parent or legal guardian, upon written
8 request to the local board of education, may prohibit the
9 collection of any data relating to his or her child pursuant
10 to this act. The local board of education shall provide notice
11 to parents and guardians of this option in the same manner as
12 used by the local board of education to provide notice of
13 school closings.

14 (2) A parent or legal guardian, upon written request
15 to the local board of education, shall be provided a record of
16 all data collected relating to his or her child. The local
17 board of education shall correct any inaccuracies in the
18 report upon the written request of the parent or legal
19 guardian.

20 (g) No student data collected pursuant to this act
21 may be provided to any entity outside of the State of Alabama,
22 other than an entity conducting the testing required by this
23 act.

24 (h) No local board of education shall be required to
25 collect any student data beyond the minimum necessary to
26 participate in testing pursuant to this act.

1 Section 8. Any provision of law to the contrary
2 notwithstanding, no member of the State Board of Education or
3 a local board of education may be censured, reprimanded, or
4 sanctioned for freely expressing his or her opinion on any
5 issue debated, approved, or disapproved by the State Board of
6 Education or a local board of education.

7 Section 9. Any provision of law to the contrary
8 notwithstanding, upon the request of any member and the
9 affirmative vote of a majority of the members of the State
10 Board of Education or a local board of education, an item
11 shall be added to the agenda for discussion and action at the
12 board meeting.

13 Section 10. To serve as a city superintendent of
14 education, a person shall satisfy those qualifications
15 specified in Section 16-12-2, Code of Alabama 1975, and no
16 additional qualifications for service shall be required. To
17 serve as a county superintendent of education, a person shall
18 satisfy those qualifications specified in Section 16-9-2, Code
19 of Alabama 1975, and no additional qualifications for service
20 shall be required.

21 Section 11. This act shall become effective
22 immediately following its passage and approval by the
23 Governor, or its otherwise becoming law.