

1 HB268
2 197194-1
3 By Representative Coleman
4 RFD: Education Policy
5 First Read: 21-MAR-19

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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 15,000.

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

18 This bill would specify that these changes
19 would not apply to cities that have met the
20 inhabitant criteria under prior law and have
21 executed a formal separation agreement with the
22 county school system before the effective date of
23 this amendatory act.

24 This bill would also require a financially
25 capable proposed city school system to acquire or
26 build its own school facilities, and would
27 authorize the city system to purchase existing

1 school facilities from the county for an amount
2 that is agreed upon by both systems in the formal
3 separation agreement.

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5 A BILL
6 TO BE ENTITLED
7 AN ACT

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9 To amend Section 16-11-1, Code of Alabama 1975,
10 relating to city boards of education; to increase the minimum
11 population requirement for establishing a city board of
12 education from 5,000 to 15,000; to require the State
13 Department of Education to determine whether a city is
14 financially capable to sustain a school system before a city
15 may establish a city school system; to provide certain
16 exceptions; and to provide for the acquisition or purchase of
17 school buildings by the financially capable city school
18 system.

19 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

20 Section 1. Section 16-11-1 of the Code of Alabama
21 1975, is amended to read as follows:

22 "§16-11-1.

23 "(a) A "city" within the meaning of this title shall
24 include all incorporated municipalities of ~~5,000~~ 15,000 or
25 more inhabitants, according to the last or any succeeding
26 federal census, or according to the last or any succeeding

1 census taken under the provisions of Sections 11-47-90 through
2 to 11-47-95, inclusive.

3 "(b) After the effective date of the act adding this
4 amendatory language, a city school system may only be
5 established in those cities that are determined by the State
6 Department of Education to be financially capable of
7 sustaining a city school system. The governing body of the
8 city shall submit detailed financial information, as
9 determined by the department, to the department. The
10 department shall review and verify that information and shall
11 provide a written response regarding the determination of the
12 department to the governing body. Based upon, but not limited
13 to, the financial information provided, the department shall
14 determine each of the following:

15 "(1) Whether students included within the proposed
16 city school system shall receive, at a minimum, the same
17 amount of local per pupil expenditures as are expended per
18 pupil in the applicable county school system.

19 "(2) Whether the per pupil expenditures of the
20 applicable county school system may be adversely affected by
21 the creation of a city school system.

22 "(c) If the department determines a city is
23 financially capable to sustain a school system pursuant to
24 subsection (b), the city may establish a city school system
25 contingent upon the execution of a formal separation agreement
26 between the city board of education and the county board of
27 education.

1 "(d) Subsections (b) and (c) shall not apply to
2 those cities that have satisfied the inhabitant criteria for
3 establishing a city board of education as previously set forth
4 in this section and have executed a formal separation
5 agreement between the city board of education and the county
6 board of education before the effective date of the act adding
7 this amendatory language.

8 "(e) Any city that is determined by the department
9 to be financially capable of sustaining a city school system
10 shall be required to acquire or build its own school
11 facilities for pupils within the system. A city may purchase
12 existing school facilities from the county for an amount that
13 is agreed upon by both systems in the formal separation
14 agreement between the city board of education and the county
15 board of education."

16 Section 2. This act shall become effective
17 immediately following its passage and approval by the
18 Governor, or its otherwise becoming law.