

1 HB506  
2 216501-1  
3 By Representative Ball  
4 RFD: Education Policy  
5 First Read: 17-MAR-22

SYNOPSIS: Under existing law, public school students in grades nine to 12, inclusive, have the option of attending a virtual education program offered by the local board of education for which they are zoned to attend.

This bill would expand the virtual education option to include grades kindergarten to 12, inclusive, and would allow a student enrolled in a virtual program to attend any Alabama public virtual school operating in the state.

A BILL  
TO BE ENTITLED  
AN ACT

Relating to virtual education; to amend Sections 16-46A-1, 16-46A-2, and 16-46A-3, Code of Alabama 1975, to expand the virtual education option to include grades kindergarten to 12, inclusive; and to allow a student to

1 attend any Alabama public virtual school operating in the  
2 state.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

4 Section 1. Sections 16-46A-1, 16-46A-2, and 16-46A-3  
5 of the Code of Alabama 1975, are amended to read as follows:

6 "§16-46A-1.

7 "(a) (1) Before the 2016-2017 school year, each local  
8 board of education shall adopt a policy providing, at a  
9 minimum, a virtual education option for eligible students in  
10 grades nine to 12, inclusive, beginning with that school year.  
11 Commencing on the effective date of this act, the policy shall  
12 be expanded to provide a virtual education option for eligible  
13 students in grades kindergarten to 12, inclusive, beginning  
14 with the 2022-2023 school year.

15 "(2) Any virtual school operating in this state that  
16 provides educational services to public school students shall  
17 comply with this chapter.

18 "(b) The policy adopted by the local board of  
19 education pursuant to this chapter shall govern the virtual  
20 school program offered by the local board of education. The  
21 policy shall offer students in grades ~~nine~~ kindergarten to 12,  
22 inclusive, an online pathway for earning a high school diploma  
23 and, at a minimum, shall include all of the following:

24 "(1) The scope and delivery of virtual options,  
25 including the option to attend any Alabama public virtual  
26 school operating in the state.

1           "(2) Student eligibility criteria for initial and  
2 continuing participation in the virtual program.

3           "(3) Specific requirements for monitoring  
4 performance and testing protocol consistent with this chapter.

5           "(4) Attendance requirements, if any.

6           "(c) A local board of education shall not be  
7 required to utilize a state program or vendor for the  
8 provision of virtual school options.

9           "(d) For the purposes of this chapter, a dependent  
10 of a member of the United States Armed Forces who has received  
11 orders to relocate to this state shall be considered a  
12 resident of this state and the applicable local school system.

13           "§16-46A-2.

14           "(a) (1) A full-time student enrolled in a virtual  
15 program for which he or she is zoned shall be enrolled and  
16 counted in the average daily membership of the local school  
17 for which he or she is zoned, participate in state testing and  
18 accountability requirements through the local school system  
19 for which he or she is zoned, and, upon satisfying the  
20 graduation requirements of the local board of education,  
21 receive a diploma from the local school system for which he or  
22 she is zoned.

23           "(2) A full-time student enrolled in a virtual  
24 program for which he or she is not zoned shall be enrolled and  
25 counted in the average daily membership of the local school  
26 that he or she is attending virtually, participate in state  
27 testing and accountability requirements through that local

1 school system, and, upon satisfying the graduation  
2 requirements of the local board of education over the local  
3 school that he or she is attending virtually, receive a  
4 diploma from that local school system.

5           "(b) Any provision of this chapter to the contrary  
6 notwithstanding, a student enrolled in a virtual school  
7 program offered by ~~his or her~~ a local school system shall be  
8 treated as if he or she is attending his or her local school  
9 in the attendance zone in which they reside for purposes of  
10 participating in extracurricular activities and shall be  
11 subject to the same requirements, including Alabama High  
12 School Athletic Association rules, imposed on a traditional  
13 public school student enrolled in the traditional public  
14 school.

15           "In addition, if local board of education policy  
16 permits inter-system transfer for all students, a student  
17 enrolled under this policy shall be treated as if he or she is  
18 attending his or her school of record for the purposes of  
19 participating in extracurricular activities and shall be  
20 subject to the same requirements, including Alabama High  
21 School Athletic Association rules, imposed on a traditional  
22 public school student enrolled in the traditional public  
23 school.

24           "(c) A board of education shall be exempt from any  
25 provision of general law, local law, or administrative rule  
26 that applies to the traditional delivery of instruction  
27 including, but not limited to, requirements relating to the

1 physical presence of a student, student monitoring and  
2 security, staffing requirements, transportation obligations,  
3 facility requirements, space and location requirements, time  
4 requirements, and physical education requirements to the  
5 extent any of the foregoing conflict with the delivery of the  
6 virtual program.

7 "(d) A local board of education is not subject to  
8 online course restrictions imposed by the State Department of  
9 Education.

10 "(e) Any online course delivery that is not  
11 supported by the State Department of Education shall be  
12 accredited by an institution recognized pursuant to  
13 administrative rule adopted by the department.

14 "(f) Coursework offered through a virtual program  
15 shall contain the required content as identified in the  
16 applicable Alabama course of study.

17 "§16-46A-3.

18 "The State Department of Education shall provide a  
19 repository of quality content and curriculum for local boards  
20 of education providing virtual education. The department shall  
21 continue to provide its virtual platform Alabama Connecting  
22 Classrooms, Educators, and Students Statewide (ACCESS), which  
23 shall be available to local school systems at no local cost,  
24 and shall include, at a minimum, required courses necessary  
25 for students in grades ~~nine~~ kindergarten to 12, inclusive, to  
26 graduate."

1                   Section 2. This act shall become effective on the  
2 first day of the third month following its passage and  
3 approval by the Governor, or its otherwise becoming law.