

**House Education Policy Engrossed Substitute for
HB30**



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A BILL
TO BE ENTITLED
AN ACT

To amend ~~Sections 16-6C-2, as amended by Act 2022-374, 2022 Regular Session,~~ Sections 16-6D-3, 16-6D-4, 16-6D-6, 16-6D-8, and 16-6D-9, as amended by Act 2022-390, 2022 Regular Session, Code of Alabama 1975, relating to ~~the public K-12 school grading system and~~ the Alabama Accountability Act of 2013; to change the designation of a failing school to a lowest sixth percent school and the designation of a nonfailing school to a highest 94th percent school; and to require the State Board of Education to reflect those changes in terminology when amending or adopting rules.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections ~~16-6C-2, as amended by Act 2022-374, 2022 Regular Session,~~ 16-6D-3, 16-6D-4, 16-6D-6, 16-6D-8, and 16-6D-9, as amended by Act 2022-390, 2022 Regular Session, of the Code of Alabama 1975, are amended to read as follows:

~~"§16-6C-2~~

~~(a) In addition to any other labels or designations assigned to public schools and public school districts pursuant to a federal, state, school, district, or other~~



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29 ~~assessment or accountability system, the State Superintendent~~
30 ~~of Education, consistent with this chapter, shall develop a~~
31 ~~school grading system reflective of school and district~~
32 ~~performance. The grading system shall utilize the traditional~~
33 ~~A, B, C, D, or F framework.~~

34 ~~(1) Schools receiving a grade of "A" are making~~
35 ~~excellent progress.~~

36 ~~(2) Schools receiving a grade of "B" are making above~~
37 ~~average progress.~~

38 ~~(3) Schools receiving a grade of "C" are making~~
39 ~~satisfactory progress.~~

40 ~~(4) Schools receiving a grade of "D" are making less~~
41 ~~than satisfactory progress.~~

42 ~~(5) Schools receiving a grade of "F" are failing to~~
43 ~~make adequate progress lowest sixth percent schools.~~

44 ~~(b) In developing this school grading system, the State~~
45 ~~Superintendent of Education shall seek input from parents,~~
46 ~~teachers, school administrators, existing State Department of~~
47 ~~Education advisory groups or task forces, and other education~~
48 ~~stakeholders on how the system can properly reflect not only~~
49 ~~the overall academic proficiency of each public school but~~
50 ~~also the academic improvements made by each public school,~~
51 ~~along with other key performance indicators that give a total~~
52 ~~profile of the school or the school system, or both.~~

53 ~~(c) The State Superintendent of Education shall~~
54 ~~prescribe the design and content of the school grading system~~
55 ~~by not later than December 31, 2012. It is the intent of the~~
56 ~~Legislature that the system be in place by no later than the~~



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57 ~~2013-2014 school year. The system may not be utilized by the~~
58 ~~State Superintendent of Education or the State Department of~~
59 ~~Education until sufficient rules have been adopted by the~~
60 ~~State Board of Education pursuant to the Alabama~~
61 ~~Administrative Procedure Act.~~

62 ~~(d) Using an easy to understand grading scale, the~~
63 ~~school grading system shall describe achievement in the state,~~
64 ~~each district, and each school. Additionally, the State~~
65 ~~Superintendent of Education shall not be precluded from also~~
66 ~~assigning grades to school feeder patterns or grades that~~
67 ~~reflect the fiscal health and fiscal efficiency of a school or~~
68 ~~school system.~~

69 ~~(e) The State Superintendent of Education shall make~~
70 ~~these grades available to the general public and shall post~~
71 ~~these grades on the website of the State Department of~~
72 ~~Education as soon as the grades are available. Additionally,~~
73 ~~appropriate grade information shall be delivered to the parent~~
74 ~~or guardian of each public school student at least once~~
75 ~~annually in the same manner that student report cards are~~
76 ~~currently delivered.~~

77 ~~(f) (1) Using state-authorized assessments and other key~~
78 ~~performance indicators that give a total profile of the school~~
79 ~~or the school system, or both, a school's grade, at a minimum,~~
80 ~~shall be based on a combination of student achievement scores,~~
81 ~~achievement gap, college and career readiness, learning gains,~~
82 ~~and other indicators as determined by the State Superintendent~~
83 ~~of Education to impact student learning and success.~~

84 ~~(2) Commencing with the 2021-2022 school year, the~~

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85 ~~academic achievement of each student identified as an English~~
86 ~~language learner, who has not shown proficiency on ACCESS for~~
87 ~~EL, or other state approved English proficiency assessment,~~
88 ~~may not be considered in assigning an academic achievement~~
89 ~~grade to a school or school system for the first five years of~~
90 ~~enrollment of the student. The educational progress of each of~~
91 ~~these students shall continue to be measured in the academic~~
92 ~~growth category and the progress in English language~~
93 ~~proficiency category and, at the end of the five-year period~~
94 ~~for the student, his or her proficiency shall again be~~
95 ~~considered in assigning an academic achievement grade to a~~
96 ~~school or school system on the state A-F school grading~~
97 ~~system.~~

98 ~~(3) The State Superintendent of Education may not amend~~
99 ~~the state Every Student Succeeds Act option for including test~~
100 ~~scores of English language learners enrolled in United States~~
101 ~~schools. The option provides as follows: For the first year of~~
102 ~~enrollment, the test scores shall be reported, but the results~~
103 ~~on both the reading/language arts and math tests shall be~~
104 ~~excluded from the federal accountability system; for the~~
105 ~~second year of enrollment, a measure of student growth on both~~
106 ~~tests shall be included in the federal accountability system;~~
107 ~~and for the third year of enrollment, proficiency on both~~
108 ~~tests shall be included in the federal accountability system.~~
109 ~~Additionally, the option requires English language learners~~
110 ~~who have successfully left the English language learner~~
111 ~~subgroup by attaining English proficiency to be included in~~
112 ~~that subgroup for accountability purposes for four years.~~

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113 ~~(g) The A-F school grading system shall be consistently~~
114 ~~applied so that grades of one school or system may be compared~~
115 ~~to the grades of any other school or system."~~

116 "§16-6D-3

117 (a) The Legislature finds and declares all of the
118 following:

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

123 (2) There is a critical need for innovative models of
124 public education that are tailored to the unique circumstances
125 and needs of the students in all schools and communities, and
126 especially in schools and communities that are struggling to
127 improve academic outcomes and close the achievement gap.

128 (3) To better serve students and better use available
129 resources, local boards of education, local school systems,
130 and parents need the ability to explore flexible alternatives
131 in an effort to be more efficient and effective in providing
132 operational and programmatic services.

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

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

137 (2) Improve educational performance through greater
138 individual school autonomy and managerial flexibility with
139 regard to programs and budgetary matters.

140 (3) Encourage innovation in education by providing



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141 local school systems and school administrators with greater
142 control over decisions including, but not limited to,
143 budgetary matters, staffing, personnel, scheduling, and
144 educational programming, including curriculum and instruction.

145 (4) Provide financial assistance through an income tax
146 credit to a parent who transfers a student from a ~~failing~~
147 lowest sixth percent public school to a ~~nonfailing~~ highest
148 94th percent public school or nonpublic school of the parent's
149 choice."

150 "§16-6D-4

151 For the purposes of this chapter, the following terms
152 shall have the following meanings:

153 (1) ACADEMIC YEAR. The 12-month period beginning on
154 July 1 and ending on the following June 30.

155 (2) DEPARTMENT OF REVENUE. The Alabama Department of
156 Revenue.

157 (3) EDUCATIONAL SCHOLARSHIP. A grant made by a
158 scholarship granting organization to an eligible student to
159 cover all or part of the tuition and mandatory fees for one
160 academic year charged by a qualifying school to the eligible
161 student receiving the scholarship; provided, however, that an
162 educational scholarship shall not exceed six thousand dollars
163 (\$6,000) for an elementary school student, eight thousand
164 dollars (\$8,000) for a middle school student, or ten thousand
165 dollars (\$10,000) for a high school student per academic year.
166 The term does not include a lump sum, block grant, or similar
167 payment by a scholarship granting organization to a qualifying
168 school that assigns the responsibility in whole or in part for



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169 determining the eligibility of scholarship recipients to the
170 qualifying school or any person or entity other than the
171 scholarship granting organization.

172 (4) ELIGIBLE STUDENT.

173 a. A student who satisfies all of the following:

174 1. Is a member of a family whose total annual income
175 the calendar year before he or she receives an educational
176 scholarship under this program does not exceed 185 percent of
177 the federal poverty level, the federally recognized threshold
178 for receiving free or reduced priced lunch, as established
179 from time to time by the U.S. Department of Health and Human
180 Services.

181 2. Was eligible to attend a public school in the
182 preceding semester or is starting school in Alabama for the
183 first time.

184 3. Resides in Alabama while receiving an educational
185 scholarship.

186 b. A scholarship granting organization shall determine
187 the eligibility of a student under subparagraph 1. of
188 paragraph a. every other academic year in which a student
189 receives an educational scholarship; provided that if the
190 annual income of the family of a student who has received at
191 least one educational scholarship exceeds 185 percent of the
192 federal poverty level, the existing student shall remain
193 eligible to receive educational scholarships until and unless
194 the annual income of the family of the student exceeds 275
195 percent of the federal poverty level; provided, further that
196 no student who has received at least one educational



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197 scholarship shall be eligible to receive educational
198 scholarships if the annual income of his or her family exceeds
199 275 percent of the federal poverty level.

200 ~~(5) FAILING SCHOOL. A public K-12 school that is either~~
201 ~~of the following:~~

202 ~~a. Is designated as a failing school by the State~~
203 ~~Superintendent of Education.~~

204 ~~b. Does not exclusively serve a special population of~~
205 ~~students and is listed in the lowest six percent of public~~
206 ~~K-12 schools based on the state standardized assessment in~~
207 ~~reading and math.~~

208 ~~(6)~~ (5) FAMILY. A group of two or more people related by
209 birth, marriage, or adoption, including foster children, who
210 reside together.

211 ~~(7)~~ (6) FLEXIBILITY CONTRACT. A school flexibility
212 contract between the local school system and the State Board
213 of Education wherein a local school system may apply for
214 programmatic flexibility or budgetary flexibility, or both,
215 from state laws, regulations, and policies, including
216 regulations and policies ~~promulgated~~ adopted by the State
217 Board of Education and the State Department of Education.

218 ~~(8)~~ (7) INNOVATION PLAN. The request of a local school
219 system for flexibility and plan for annual accountability
220 measures and five-year targets for all participating schools
221 within the school system.

222 ~~(9)~~ (8) LOCAL BOARD OF EDUCATION. A city or county board
223 of education that exercises management and control of a local
224 school system pursuant to state law.



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225 ~~(10)~~ (9) LOCAL SCHOOL SYSTEM. A public agency that
226 establishes and supervises one or more public schools within
227 its geographical limits pursuant to state law.

228 (10) LOWEST SIXTH PERCENT SCHOOL. A public K-12 school
229 that is either of the following:

230 a. Is designated as a lowest sixth percent school by
231 the State Superintendent of Education.

232 b. Does not exclusively serve a special population of
233 students and is listed in the lowest sixth percent of public
234 K-12 schools based on the state standardized assessment in
235 reading and math.

236 (11) NONPUBLIC SCHOOL. Any nonpublic or private school,
237 including parochial schools, not under the jurisdiction of the
238 State Superintendent of Education and the State Board of
239 Education, providing educational services to children. A
240 nonpublic school provides education to elementary or
241 secondary, or both, students and has notified the Department
242 of Revenue of its intention to participate in the scholarship
243 program and comply with the requirements of the scholarship
244 program. A nonpublic school does not include home schooling.

245 (12) PARENT. The parent or guardian of a student, with
246 authority to act on behalf of the student. For purposes of
247 Section 16-6D-8, the parent or guardian shall claim the
248 student as a dependent on his or her Alabama state income tax
249 return.

250 (13) QUALIFYING SCHOOL.

251 a. Either a public school outside of the resident
252 school district that is not considered ~~failing~~ lowest sixth



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253 percent within the meaning of subdivision ~~(5)~~ (10) or any
254 nonpublic school as defined in subdivision (11) and that
255 satisfies the requirements of this subdivision. A qualifying
256 nonpublic school shall be accredited by one of the six
257 regional accrediting agencies or the National Council for
258 Private School Accreditation, Advanced, the American
259 Association of Christian Schools, or one of their partner
260 accrediting agencies. A nonpublic school shall have three
261 years from the later of the date the nonpublic school notified
262 the Department of Revenue of its intent to participate in the
263 scholarship program or June 10, 2015, to obtain the required
264 accreditation and shall thereafter maintain accreditation as
265 required by this subdivision. During the three-year period
266 described in the immediately preceding sentence, a nonpublic
267 school that is not accredited shall satisfy all of the
268 following conditions until the nonpublic school obtains
269 accreditation:

- 270 1. Has been in existence for at least three years.
- 271 2. Has daily attendance of at least 85 percent over a
272 two-year period.
- 273 3. Has a minimum 180-day school year, or its hourly
274 equivalent.
- 275 4. Has a day length of at least six and one-half hours.
- 276 5. Requires all students to take the Stanford
277 Achievement Test, or its equivalent.
- 278 6. Requires all candidates for graduation to take the
279 American College Test before graduation.
- 280 7. Requires students in high school in grades nine



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281 through 12 to earn a minimum of 24 credits before graduating,
282 including 16 credits in core subjects, and each awarded credit
283 shall consist of a minimum of 140 instructional hours.

284 8. Does not subject special education students to the
285 same testing or curricular requirements as regular education
286 students if it is not required in the individual plan for the
287 student.

288 9. Maintains a website that describes the school, the
289 instructional program of the school, and the tuition and
290 mandatory fees charged by the school, updated prior to the
291 beginning of each semester.

292 10. Annually affirms on forms prescribed by the
293 scholarship granting organization and the Department of
294 Revenue its status financially and academically and provide
295 other relative information as required by the scholarship
296 granting organization or as otherwise required in this
297 chapter.

298 b. A nonpublic school that is not accredited and that
299 has not been in existence for at least three years shall
300 nevertheless be considered a qualifying school if, in addition
301 to satisfying the requirements in subparagraphs 2. to 10.,
302 inclusive, of paragraph a., the nonpublic school operates
303 under the governance of the board of directors or the
304 equivalent thereof of an accredited nonpublic school. For
305 purposes of the immediately preceding sentence, the term
306 governance shall include, but not be limited to, curriculum
307 oversight, personnel and facility management, and financial
308 management. If, at the conclusion of the three-year period in



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309 which a nonpublic school is required to obtain accreditation,
310 a nonpublic school is not accredited, the nonpublic school
311 shall not be considered a qualifying school and shall not
312 receive any funds from a scholarship granting organization
313 until the nonpublic school obtains the accreditation required
314 by this subdivision.

315 (14) SCHOLARSHIP GRANTING ORGANIZATION. An organization
316 that provides or is approved to provide educational
317 scholarships to eligible students attending qualifying schools
318 of their parents' choice."

319 "§16-6D-6

320 (a) The innovation plan of a local school system shall
321 include, at a minimum, all of the following:

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

324 (2) The list of state laws, regulations, and policies,
325 including rules, regulations, and policies ~~promulgated~~ adopted
326 by the State Board of Education and the State Department of
327 Education, that the local school system is seeking to waive in
328 its school flexibility contract.

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

331 (b) A local school system is accountable to the state
332 for the performance of all schools in its system, including
333 innovative schools, under state and federal accountability
334 requirements.

335 (c) A local school system may not, pursuant to this
336 chapter, waive requirements imposed by federal law,



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337 requirements related to the health and safety of students or
338 employees, requirements imposed by ethics laws, requirements
339 imposed by the Alabama Child Protection Act of 1999, Chapter
340 22A of this title, requirements imposed by open records or
341 open meetings laws, requirements related to financial or
342 academic reporting or transparency, requirements designed to
343 protect the civil rights of students or employees,
344 requirements related to the state retirement system or state
345 health insurance plan, or requirements imposed by Act
346 2012-482. This chapter may not be construed to allow a local
347 school system to compensate an employee at an annual amount
348 that is less than the amount the employee would otherwise be
349 afforded through the State Minimum Salary Schedule included in
350 the annual Education Trust Fund Appropriations Act. No local
351 school system shall involuntarily remove any rights or
352 privileges acquired by any employee under the Students First
353 Act of 2011, Chapter 24C of this title. Except as provided for
354 a ~~failing~~ lowest sixth percent school pursuant to subsection
355 (e), no plan or program submitted by a local board of
356 education may be used to deny any right or privilege granted
357 to a new employee pursuant to the Students First Act of 2011.

358 (d) No provision of this chapter shall be construed or
359 shall be used to authorize the formation of a charter school.

360 (e) Any provision of subsection (c) to the contrary
361 notwithstanding, nothing in this chapter shall be construed to
362 prohibit the approval of a flexibility contract that gives
363 potential, current, or future employees of a ~~failing~~ lowest
364 sixth percent school within the local school system the option



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365 to voluntarily waive any rights or privileges already acquired
366 or that could potentially be acquired as a result of attaining
367 tenure or nonprobationary status, provided, however, that any
368 employee provided this option is also provided the option of
369 retaining or potentially obtaining any rights or privileges
370 provided under the Students First Act, Chapter 24C of this
371 title.

372 (f) The State Department of Education shall finalize
373 all school data and the local school system shall seek
374 approval of the local board of education before final
375 submission to the State Department of Education and the State
376 Board of Education.

377 (g) The final innovation plan, as recommended by the
378 local superintendent of education and approved by the local
379 board of education, shall accompany the formal submission of
380 the local school system to the State Department of Education.

381 (h) Within 60 days of receiving the final submission,
382 the State Superintendent of Education shall decide whether or
383 not the school flexibility contract and the innovation plan
384 should be approved. If the State Superintendent of Education
385 denies a school flexibility contract and innovation plan, he
386 or she shall provide a written explanation for his or her
387 decision to the local board of education. Likewise, a written
388 letter of approval by the State Superintendent of Education
389 shall be provided to the local board of education that
390 submitted the final school flexibility contract and innovation
391 plan.

392 (i) The State Board of Education shall ~~promulgate~~ adopt



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393 any necessary rules and regulations required to implement this
394 chapter including, but not limited to, all of the following:

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

398 (2) An authorization for the State Department of
399 Education, upon approval by the State Board of Education after
400 periodic review, to revoke a school flexibility contract for
401 noncompliance or nonperformance, or both, by a local school
402 system.

403 (3) An outline of procedures and necessary steps that a
404 local school system shall follow, upon denial of an original
405 submission, to amend and resubmit an innovation plan and
406 school flexibility contract for approval."

407 "§16-6D-8

408 (a) To provide educational flexibility and state
409 accountability for students in ~~failing~~ lowest sixth percent
410 schools:

411 (1) For tax years beginning on and after January 1,
412 2013, an Alabama income tax credit is made available to the
413 parent of a student enrolled in or assigned to attend a
414 ~~failing~~ lowest sixth percent school to help offset the cost of
415 transferring the student to a ~~nonfailing~~ highest 94th percent
416 public school or nonpublic school of the parent's choice. The
417 income tax credit shall be an amount equal to 80 percent of
418 the average annual state cost of attendance for a public K-12
419 student during the applicable tax year or the actual cost of
420 attending a ~~nonfailing~~ highest 94th percent public school or



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421 nonpublic school, whichever is less. The actual cost of
422 attending a ~~nonfailing~~ highest 94th percent public school or
423 nonpublic school shall be calculated by adding together any
424 tuition amounts or mandatory fees charged by the school to the
425 student as a condition of enrolling or of maintaining
426 enrollment in the school. The average annual state cost of
427 attendance for a public K-12 student shall be calculated by
428 dividing the state funds appropriated to the Foundation
429 Program pursuant to Section 16-13-231(b) (2) by the total
430 statewide number of pupils in average daily membership during
431 the first 20 scholastic days following Labor Day of the
432 preceding school year. For each student who was enrolled in
433 and attended a ~~failing~~ lowest sixth percent school the
434 previous semester whose parent receives an income tax credit
435 under this section, an amount equal to 20 percent of the
436 average annual state cost of attendance for a public K-12
437 student during the applicable tax year shall be allocated, for
438 as long as the parent receives the tax credit, to the ~~failing~~
439 lowest sixth percent school from which the student transferred
440 if the student transfers to and remains enrolled in a
441 nonpublic school. No such allocation shall be made in the
442 event the student transfers to or enrolls in a ~~nonfailing~~
443 highest 94th percent public school. The Department of
444 Education shall determine the best method of ensuring that the
445 foregoing allocation provisions are properly implemented. A
446 parent is allowed a credit against income tax for each taxable
447 year under the terms established in this section. If income
448 taxes owed by such a parent are less than the total credit



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449 allowed under this subsection, the taxpayer shall be entitled
450 to a refund or rebate, as the case may be, equal to the
451 balance of the unused credit with respect to that taxable
452 year.

453 (2) Any income tax credit due a parent under this
454 section shall be granted or issued to the parent only upon his
455 or her making application therefor, at such time and in such
456 manner as may be prescribed from time to time by the
457 Department of Revenue. The application process shall include,
458 but not be limited to, certification by the parent that the
459 student was enrolled in or was assigned to attend a ~~failing~~
460 lowest sixth percent school, certification by the parent that
461 the student was subsequently transferred to, and was enrolled
462 and attended, a ~~nonfailing~~ highest 94th percent public school
463 or nonpublic school of the parent's choice, and proof,
464 satisfactory to the Department of Revenue, of the actual cost
465 of attendance for the student at the ~~nonfailing~~ highest 94th
466 percent public school or nonpublic school. For purposes of the
467 tax credit authorized by this section, costs of attendance
468 does not include any such costs incurred for an academic year
469 prior to the 2013-2014 academic year. The Department of
470 Revenue shall also prescribe the various methods by which
471 income tax credits are to be issued to taxpayers. Income tax
472 credits authorized by this section shall be paid out of sales
473 tax collections made to the Education Trust Fund, and set
474 aside by the Comptroller in the ~~Failing~~ Lowest Sixth Percent
475 Schools Income Tax Credit Account created in subsection (c),
476 in the same manner as refunds of income tax otherwise provided



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477 by law, and there is hereby appropriated therefrom, for such
478 purpose, so much as may be necessary to annually pay the
479 income tax credits provided by this section.

480 (3) An application for an income tax credit authorized
481 by this section shall be filed with the Department of Revenue
482 within the time prescribed for filing petitions for refund
483 under Section 40-2A-7.

484 (4) The Department of Revenue shall ~~promulgate~~ adopt
485 reasonable rules to effectuate the intent of this subsection.

486 (b) (1) The parent of a public school student may
487 request and receive an income tax credit pursuant to this
488 section to reimburse the parent for costs associated with
489 transferring the student from a ~~failing~~ lowest sixth percent
490 school to a ~~nonfailing~~ highest 94th percent public school or
491 nonpublic school of the parent's choice, in any of the
492 following circumstances:

493 a. By assigned school attendance area, if the student
494 spent the prior school year in attendance at a ~~failing~~ lowest
495 sixth percent school and the attendance of the student
496 occurred during a school year in which the designation was in
497 effect.

498 b. The student was in attendance elsewhere in the
499 Alabama public school system and was assigned to a ~~failing~~
500 lowest sixth percent school for the next school year.

501 c. The student was notified that he or she was assigned
502 to a ~~failing~~ lowest sixth percent school for the next school
503 year.

504 (2) This section does not apply to a student who is



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505 enrolled in the Department of Youth Services School District.

506 (3) For the purposes of continuity of educational
507 choice, the tax credit shall be available to parents for those
508 grade levels of the ~~failing~~ lowest sixth percent school from
509 which the student transferred. The parent of a student who
510 transfers from a ~~failing~~ lowest sixth percent school may
511 receive income tax credits for those grade levels enrolled in
512 and attended in the ~~nonfailing~~ highest 94th percent public
513 school or nonpublic school of the parent's choice transferred
514 to that were included in the ~~failing~~ lowest sixth percent
515 school from which the student transferred, whether or not the
516 ~~failing~~ lowest sixth percent school becomes a ~~nonfailing~~
517 highest 94th percent school during those years. The parent of
518 such a student shall no longer be eligible for the income tax
519 credit after the student completes the highest grade level in
520 which he or she would otherwise have been enrolled at the
521 ~~failing~~ lowest sixth percent school. Notwithstanding the
522 foregoing, as long as the student remains enrolled in or
523 assigned to attend a ~~failing~~ lowest sixth percent school, the
524 parent may again transfer the student to a ~~nonfailing~~ highest
525 94th percent public school or nonpublic school of the parent's
526 choice and request and receive an income tax credit as
527 provided in this section.

528 (4) A local school system, for each student enrolled in
529 or assigned to a ~~failing~~ lowest sixth percent school, shall do
530 all of the following:

531 a. Timely notify the parent of the student of all
532 options available under this section as soon as the school of



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533 attendance is designated as a ~~failing~~ lowest sixth percent
534 school.

535 b. Offer the parent of the student an opportunity to
536 enroll the student in another public school within the local
537 school system that is not a ~~failing~~ lowest sixth percent
538 school or a ~~failing~~ lowest sixth percent school to which the
539 student has been assigned.

540 (5) The parent of a student enrolled in or assigned to
541 a school that has been designated as a ~~failing~~ lowest sixth
542 percent school, who decides to transfer the student to a
543 ~~nonfailing~~ highest 94th percent public school, shall first
544 attempt to enroll the student in a ~~nonfailing~~ highest 94th
545 percent public school within the same local system in which
546 the student is already enrolled or assigned to attend before
547 attempting to enroll the student in a ~~nonfailing~~ highest 94th
548 percent public school that has available space in any other
549 local school system in the state. A local school system may
550 accept the student on whatever terms and conditions the system
551 establishes and report the student for purposes of the local
552 school system's funding pursuant to the Foundation Program.

553 (6) For students in the local school system who are
554 participating in the tax credit program, the local school
555 system shall provide locations and times to take all statewide
556 assessments required by law.

557 (7) Students with disabilities who are eligible to
558 receive services from the local school system under federal or
559 state law, and who participate in the tax credit program,
560 remain eligible to receive services from the local school



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561 system as provided by federal or state law.

562 (8) If a parent enrolls a student in a ~~nonfailing~~
563 highest 94th percent public school within the same local
564 school system, and that system provides transportation
565 services for other enrolled students, transportation costs to
566 the ~~nonfailing~~ highest 94th percent public school shall be the
567 responsibility of the local school system. Local school
568 systems may negotiate transportation options with a parent to
569 minimize system costs. If a parent enrolls a student in a
570 nonpublic school or in a ~~nonfailing~~ highest 94th percent
571 public school within another local school system, regardless
572 of whether that system provides transportation services for
573 other enrolled students, transportation of the student shall
574 be the responsibility of the parent.

575 (9) The State Department of Education shall ~~promulgate~~
576 adopt reasonable rules to effectuate the intent of this
577 subsection. Rules shall include penalties for noncompliance.

578 (c) There is created within the Education Trust Fund a
579 separate account named the ~~Failing~~ Lowest Sixth Percent
580 Schools Income Tax Credit Account. The Commissioner of Revenue
581 shall certify to the Comptroller the amount of income tax
582 credits due to parents under this section and the Comptroller
583 shall transfer into the ~~Failing~~ Lowest Sixth Percent Schools
584 Income Tax Credit Account only the amount from sales tax
585 revenues within the Education Trust Fund that is sufficient
586 for the Department of Revenue to use to cover the income tax
587 credits for the applicable tax year. The Commissioner of
588 Revenue shall distribute the funds in the ~~Failing~~ Lowest Sixth



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589 Percent Schools Income Tax Credit Account to parents pursuant
590 to this section.

591 (d) (1) Nothing in this section or chapter shall be
592 construed to force any public school, school system, or school
593 district or any nonpublic school, school system, or school
594 district to enroll any student.

595 (2) A public school, school system, or school district
596 or any nonpublic school, school system, or school district may
597 develop the terms and conditions under which it will allow a
598 student whose parent receives an income tax credit pursuant to
599 this section to be enrolled, but such terms and conditions may
600 not discriminate on the basis of the race, gender, religion,
601 color, disability status, or ethnicity of the student or of
602 the student's parent.

603 (3) Nothing in this section shall be construed to
604 authorize the violation of or supersede the authority of any
605 court ruling that applies to the public school, school system,
606 or school district, specifically any federal court order
607 related to the desegregation of the local school system's
608 student population."

609 "§16-6D-9

610 (a) (1) An individual taxpayer who files a state income
611 tax return and is not claimed as a dependent of another
612 taxpayer, a taxpayer subject to the corporate income tax
613 levied by Chapter 18 of Title 40, an Alabama S corporation as
614 defined in Section 40-18-160, or a Subchapter K entity as
615 defined in Section 40-18-1 may claim a credit for a
616 contribution made to a scholarship granting organization. If



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617 the credit is claimed by an Alabama S corporation or
618 Subchapter K entity, the credit shall pass through to and may
619 be claimed by any taxpayer eligible to claim a credit under
620 this subdivision who is a shareholder, partner, or member
621 thereof, based on the taxpayer's pro rata or distributive
622 share, respectively, of the credit.

623 (2) The tax credit may be claimed by an individual
624 taxpayer or a married couple filing jointly in an amount equal
625 to 100 percent of the total contributions the taxpayer made to
626 a scholarship granting organization for educational
627 scholarships during the taxable year for which the credit is
628 claimed, up to 100 percent of the tax liability of the
629 individual taxpayer, not to exceed one hundred thousand
630 dollars (\$100,000) per individual taxpayer or married couple
631 filing jointly. For purposes of this section, an individual
632 taxpayer includes an individual who is a shareholder of an
633 Alabama S corporation or a partner or member of a Subchapter K
634 entity that made a contribution to a scholarship granting
635 organization.

636 (3) The tax credit may be claimed by a taxpayer subject
637 to the Alabama corporate income tax in an amount equal to 100
638 percent of the total contributions the taxpayer made to a
639 scholarship granting organization for educational scholarships
640 during the taxable year for which the credit is claimed, up to
641 100 percent of the tax liability of the taxpayer.

642 (4) A taxpayer subject to the Alabama corporate income
643 tax, an individual taxpayer, or a married couple filing
644 jointly may carry forward a tax credit earned under the tax



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645 credit scholarship program for up to three taxable years.

646 (5) The cumulative amount of tax credits issued
647 pursuant to subdivision (2) and subdivision (3) shall not
648 exceed thirty million dollars (\$30,000,000) annually, based on
649 the calendar year. A taxpayer making one or more otherwise
650 tax-creditable contributions before the due date, with
651 extensions, of a timely filed 2014 tax return may elect to
652 treat all or a portion of such contributions as applying to
653 and creditable against its 2014 Alabama income tax liability,
654 if the taxpayer properly reserves the credit on the website of
655 the Department of Revenue or another method provided by the
656 Department of Revenue. The amount creditable against the
657 taxpayer's 2014 income tax liability shall be limited to the
658 lesser of the amount so designated or the remaining balance,
659 if any, of the cumulative amount of the twenty-five million
660 dollars (\$25,000,000) of tax credits available for the 2014
661 calendar year. No such contribution and election by a taxpayer
662 to reserve tax credits against the remaining balance of the
663 cumulative amount of tax credits available for 2014 shall
664 preclude the taxpayer from making additional contributions in
665 2015 and reserving those amounts against the cumulative amount
666 of tax credits available for 2015. The Department of Revenue
667 shall develop a procedure to ensure that this cap is not
668 exceeded and shall also prescribe the various methods by which
669 these credits are to be issued.

670 (6) No credit may be claimed for a contribution made to
671 a scholarship granting organization if the contribution is
672 restricted or conditioned in any way by the donor including,



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673 but not limited to, requiring the scholarship granting
674 organization to direct all or part of the contribution to a
675 particular qualifying school or to grant an educational
676 scholarship to a particular eligible student.

677 (b) (1) ADMINISTRATIVE ACCOUNTABILITY STANDARDS. All
678 scholarship granting organizations shall do all of the
679 following:

680 a. Notify the Department of Revenue of their intent to
681 provide educational scholarships to eligible students.

682 b. Demonstrate to the Department of Revenue that they
683 have been granted exemption from the federal income tax as an
684 organization described in Section 501(c)(3) of the Internal
685 Revenue Code, as in effect from time to time.

686 c. Distribute periodic educational scholarship payments
687 as checks made out and mailed to or directly deposited with
688 the school where the student is enrolled.

689 d. Provide a Department of Revenue approved receipt to
690 taxpayers for contributions made to the scholarship granting
691 organization.

692 e. Ensure that all determinations with respect to the
693 eligibility of a student to receive an educational scholarship
694 shall be made by the scholarship granting organization. A
695 scholarship granting organization shall not delegate any
696 responsibility for determining the eligibility of a student
697 for an educational scholarship or any other requirements it is
698 subject to under this chapter to any qualifying school or an
699 entity affiliated therewith.

700 f. Ensure that at least 95 percent of their revenue



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701 from donations is expended on educational scholarships, and
702 that all revenue from interest or investments is expended on
703 educational scholarships. A scholarship granting organization
704 may expend up to five percent of its revenue from donations on
705 administrative and operating expenses in the calendar year of
706 the donation or in any subsequent calendar year.

707 g. Ensure that scholarship funds on hand at the
708 beginning of a calendar year are expended on educational
709 scholarships within three calendar years. Any scholarship
710 funds on hand at the beginning of a calendar year that are not
711 expended on educational scholarships within three calendar
712 years shall be turned over to and deposited with the State
713 Department of Education for the benefit of its At-Risk Student
714 Program to be distributed to local boards of education on the
715 basis determined by the State Department of Education in
716 furtherance of support to underperforming schools.

717 h. Ensure that at least 75 percent of first-time
718 recipients of educational scholarships were not continuously
719 enrolled in a private school during the previous academic
720 year.

721 i. Cooperate with the Department of Revenue to conduct
722 criminal background checks on all of their employees and board
723 members and exclude from employment or governance any
724 individual who may reasonably pose a risk to the appropriate
725 use of contributed funds.

726 j. Ensure that educational scholarships are portable
727 during the academic year and can be used at any qualifying
728 school that accepts the eligible student according to the



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729 wishes of the parent. If an eligible student transfers to
730 another qualifying school during an academic year, the
731 educational scholarship amount may be prorated.

732 k. Publicly report to the Department of Revenue by
733 September 1 of each year all of the following information
734 prepared by a certified public accountant regarding their
735 educational scholarships funded in the previous academic year:

736 1. The name and address of the scholarship granting
737 organization.

738 2. The total number and total dollar amount of
739 contributions received during the previous academic year.

740 3. The total number and total dollar amount of
741 educational scholarships awarded and funded during the
742 previous academic year, the total number and total dollar
743 amount of educational scholarships awarded and funded during
744 the previous academic year for students qualifying for the
745 federal free and reduced-price lunch program, and the
746 percentage of first-time recipients of educational
747 scholarships who were enrolled in a public school during the
748 previous academic year.

749 1. Publicly report to the Department of Revenue, by the
750 15th day after the close of each calendar quarter, all of the
751 following information about educational scholarships granted
752 during the quarter:

753 1. The total number of scholarships awarded and funded.

754 2. The names of the qualifying schools that received
755 funding for educational scholarships, the total amount of
756 funds paid to each qualifying school, and the total number of



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757 scholarship recipients enrolled in each qualifying school.

758 3. The total number of eligible students zoned to
759 attend a ~~failing~~ lowest sixth percent school who received
760 educational scholarships from the scholarship granting
761 organization.

762 4. The total number of first time scholarship
763 recipients who were continuously enrolled in a nonpublic
764 school prior to receiving an educational scholarship from that
765 scholarship granting organization.

766 m. Ensure that educational scholarships are not
767 provided for eligible students to attend a school with paid
768 staff or board members, or relatives thereof, in common with
769 the scholarship granting organization.

770 n. Ensure that educational scholarships are provided in
771 a manner that does not discriminate based on the gender, race,
772 or disability status of the scholarship applicant or his or
773 her parent.

774 o. Ensure that educational scholarships are provided
775 only to eligible students who are zoned to attend a ~~failing~~
776 lowest sixth percent school so that the eligible student can
777 attend a qualifying school. To ensure compliance with the
778 immediately preceding sentence, the local board of education
779 for the county or municipality in which an eligible student
780 applying for an educational scholarship resides, upon written
781 request by a parent, shall provide written verification that a
782 particular address is in the attendance zone of a specified
783 public school. The State Department of Education shall provide
784 written verification of enrollment in a ~~failing~~ lowest sixth



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785 percent school under this chapter. With respect to first time
786 educational scholarship recipients, scholarship granting
787 organizations shall give priority to eligible students zoned
788 to attend ~~failing~~ lowest sixth percent schools over eligible
789 students not zoned to attend ~~failing~~ lowest sixth percent
790 schools. Any scholarship funds unaccounted for on July 31st of
791 each calendar year may be made available to eligible students
792 to defray the costs of attending a qualifying school, whether
793 or not the student is zoned to attend a ~~failing~~ lowest sixth
794 percent school. Any provision of this section to the contrary
795 notwithstanding, once an eligible student receives an
796 educational scholarship under this program, scholarship funds
797 may be made available to the student for educational
798 scholarships until the student graduates from high school or
799 reaches 19 years of age, regardless of whether the student is
800 zoned to attend a ~~failing~~ lowest sixth percent school, subject
801 to the income eligibility requirements of paragraph b. of
802 subdivision (4) of Section 16-6D-4.

803 p. Ensure that no donations are directly made to
804 benefit specifically designated scholarship recipients or to
805 particular qualifying schools.

806 q. Submit to the Department of Revenue annual
807 verification of the scholarship granting organization's
808 policies and procedures used to determine scholarship
809 eligibility. The verification shall confirm that the
810 scholarship granting organization, and not one or more
811 qualifying schools accepting educational scholarship
812 recipients or scholarship funds, is determining whether
813 scholarship applicants are eligible to receive educational



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814 scholarships. The verification shall also confirm that the
815 scholarship granting organization is giving priority to
816 receive an educational scholarship to eligible students zoned
817 to attend ~~failing~~ lowest sixth percent schools.

818 r. Submit to the Department of Revenue annual
819 verification that none of its actions or policies restricts a
820 parent's educational choice by limiting or prohibiting the
821 enrollment of eligible students in a qualifying school if
822 those eligible students received educational scholarships from
823 other scholarship granting organizations.

824 (2) FINANCIAL ACCOUNTABILITY STANDARDS.

825 a. All scholarship granting organizations shall
826 demonstrate their financial accountability by doing all of the
827 following:

828 1. Annually submitting to the Department of Revenue a
829 financial information report for the scholarship granting
830 organization that complies with uniform financial accounting
831 standards established by the Department of Revenue and
832 conducted by a certified public accountant.

833 2. Having the auditor certify that the report is free
834 of material misstatements.

835 b. All qualifying nonpublic schools shall demonstrate
836 financial viability, if they are to receive donations of fifty
837 thousand dollars (\$50,000) or more during the academic year,
838 by doing either of the following:

839 1. Filing with the scholarship granting organization
840 prior to receipt of the first educational scholarship payment
841 for that academic year a surety bond payable to the



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842 scholarship granting organization in an amount equal to the
843 aggregate amount of scholarship funds expected to be received
844 during the academic year.

845 2. Filing with the scholarship granting organization
846 prior to receipt of the first educational scholarship payment
847 for that academic year financial information that demonstrates
848 the financial viability of the qualifying nonpublic school.

849 (c) (1) Each scholarship granting organization shall
850 annually collect and submit to the Department of Revenue with
851 the annual report required by paragraph k. of subdivision (1)
852 of subsection (b) written verification from qualifying
853 nonpublic schools that accept its educational scholarship
854 students that those schools do all of the following:

855 a. Comply with all health and safety laws or codes that
856 otherwise apply to nonpublic schools.

857 b. Hold a valid occupancy permit if required by the
858 municipality.

859 c. Certify compliance with nondiscrimination policies
860 set forth in 42 U.S.C. [§](#) 1981.

861 d. Conduct criminal background checks on employees and
862 then do all of the following:

863 1. Exclude from employment any person not permitted by
864 state law to work in a public school.

865 2. Exclude from employment any person who may
866 reasonably pose a threat to the safety of students.

867 (2) By August 1 of each year, each qualifying nonpublic
868 school shall provide to each scholarship granting organization
869 from which it receives educational scholarships verification



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870 that the qualifying nonpublic school is in compliance with the
871 Alabama Child Protection Act of 1999, Chapter 22A of this
872 title. Any qualifying nonpublic school failing to timely
873 provide such annual verification shall be prohibited from
874 participating in the scholarship program. Each scholarship
875 granting organization shall annually submit to the Department
876 of Revenue with the annual report required by paragraph k. of
877 subdivision (1) of subsection (b) copies of the written
878 verifications it receives from each qualifying nonpublic
879 school.

880 (3) ACADEMIC ACCOUNTABILITY STANDARDS. There shall be
881 sufficient information about the academic impact educational
882 scholarship tax credits have on students participating in the
883 tax credit scholarship program in order to allow parents and
884 taxpayers to measure the achievements of the tax credit
885 scholarship program, and therefore:

886 a. Each scholarship granting organization shall ensure
887 that qualifying schools that accept its educational
888 scholarship students shall do all of the following:

889 1. Annually administer either the state achievement
890 tests or nationally recognized norm-referenced tests that
891 measure learning gains in math and language arts to all
892 students receiving an educational scholarship in grades that
893 require testing under the accountability testing laws of the
894 state for public schools, in order that the state can compare
895 the academic achievement and learning gains of students
896 receiving educational scholarships with students of the same
897 socioeconomic and educational backgrounds who are taking the



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898 state achievement tests or nationally norm-referenced tests.

899 2. Allow the costs of the testing requirement to be
900 covered by the educational scholarships distributed by the
901 scholarship granting organizations.

902 3. Provide the parents of each student who was tested
903 with a copy of the results of the tests on an annual basis,
904 beginning with the first year of testing.

905 4. Provide the test results to the Department of
906 Revenue on an annual basis, beginning with the first year of
907 testing.

908 5. Report student information that allows the state to
909 aggregate data by grade level, gender, family income level,
910 and race.

911 6. Provide graduation rates of those students
912 benefitting from educational scholarships to the Department of
913 Revenue or an organization chosen by the state in a manner
914 consistent with nationally recognized standards.

915 7. Ensure that a student who receives an educational
916 scholarship conforms to the attendance requirements of the
917 qualifying school. If a student fails to conform, the
918 qualifying school shall immediately communicate the failure to
919 the applicable scholarship granting organization.

920 b.1. The Department of Revenue shall select an
921 independent research organization, which may be a public or
922 private entity or university, to analyze the results of the
923 testing required by paragraph a. every other academic year.
924 The cost of analyzing and reporting on the test results to the
925 Department of Revenue by the independent research organization



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926 shall be borne by all scholarship granting organizations in
927 proportion to the total scholarship donations received for the
928 two calendar years prior to the report being published.

929 Scholarship granting organizations may receive and use funds
930 from outside sources to pay for its share of the biennial
931 report.

932 2. The independent research organization shall report
933 to the Department of Revenue every other year on the learning
934 gains of students receiving educational scholarships and the
935 report shall be aggregated by the grade level, gender, family
936 income level, number of years of participation in the tax
937 credit scholarship program, and race of the student receiving
938 an educational scholarship. The report shall also include, to
939 the extent possible, a comparison of the learning gains of
940 students participating in the tax credit scholarship program
941 to the statewide learning gains of public school students with
942 socioeconomic and educational backgrounds similar to those
943 students participating in the tax credit scholarship program.

944 3. The first report under this paragraph shall be
945 submitted to the Department of Revenue by September 1, 2016.
946 Each biennial report thereafter shall be submitted to the
947 Department of Revenue on September 1 of the year the report is
948 due. All biennial reports required by this paragraph shall be
949 published on the website of the Department of Revenue.

950 4. Each scholarship granting organization shall collect
951 all test results from qualifying schools accepting its
952 scholarship recipients and turn over such test results to the
953 independent research organization described in this paragraph



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954 by August 15 of each calendar year.

955 5. The sharing and reporting of student learning gain
956 data under this paragraph shall conform to the requirements of
957 the Family Educational Rights and Privacy Act, 20 U.S.C.
958 § 1232g., and shall be for the sole purpose of creating the
959 biennial report required by this paragraph. All parties shall
960 preserve the confidentiality of such information as required by
961 law. The biennial report shall not disaggregate data to a
962 level that could identify qualifying schools participating in
963 the tax credit scholarship program or disclose the academic
964 level of individual students.

965 6. At the same time the biennial report under
966 subparagraph 2. is submitted to the Department of Revenue, it
967 shall be submitted to the Chair of the Senate Education Policy
968 Committee and the Chair of the House Education Policy
969 Committee.

970 (d) (1) The Department of Revenue shall adopt rules and
971 procedures consistent with this section as necessary.

972 (2) The Department of Revenue shall provide a
973 standardized format for a receipt to be issued by a
974 scholarship granting organization to a taxpayer to indicate
975 the value of a contribution received. The Department of
976 Revenue shall require a taxpayer to provide a copy of the
977 receipt when claiming the tax credit pursuant to this section.

978 (3) The Department of Revenue shall provide a
979 standardized format for a scholarship granting organization to
980 report the information required in paragraphs k. and l. of
981 subdivision (1) of subsection (b).



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982 (4) The Department of Revenue may conduct either a
983 financial review or audit of a scholarship granting
984 organization.

985 (5) The Department of Revenue may bar a scholarship
986 granting organization or a qualifying school from
987 participating in the tax credit scholarship program if the
988 Department of Revenue establishes that the scholarship
989 granting organization or the qualifying school has
990 intentionally and substantially failed to comply with the
991 requirements in subsection (b) or subsection (c).

992 (6) If the Department of Revenue decides to bar a
993 scholarship granting organization or a qualifying school from
994 the tax credit scholarship program, the Department of Revenue
995 shall notify affected educational scholarship students and
996 their parents of the decision as quickly as possible.

997 (7) The Department of Revenue shall publish and
998 routinely update, on the website of the department, a list of
999 scholarship granting organizations in the state, by county.

1000 (8) The Department of Revenue shall publish and make
1001 publicly available on its website all annual and quarterly
1002 reports required to be filed with it by scholarship granting
1003 organizations under paragraphs k. and l. of subdivision (1) of
1004 subsection (b).

1005 (e) (1) All schools participating in the tax credit
1006 scholarship program shall be required to operate in Alabama.

1007 (2) All schools participating in the tax credit
1008 scholarship program shall comply with all state laws that
1009 apply to public schools regarding criminal background checks



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1010 for employees and exclude from employment any person not
1011 permitted by state law to work in a public school.

1012 (3) All qualifying nonpublic schools participating in
1013 the tax credit scholarship program shall maintain a website
1014 that describes the school, the instructional program of the
1015 school, and the tuition and mandatory fees charged by the
1016 school, updated prior to the beginning of each semester.

1017 (4) The amount of a scholarship awarded a student to
1018 attend a nonpublic school may not exceed the total sum of
1019 tuition and mandatory fees normally charged a student to
1020 attend the nonpublic school for the same attendance period.
1021 The amount of a scholarship awarded a student to attend a
1022 public school may not exceed the total state appropriation
1023 provided for a student to attend the public school for the
1024 same attendance period.

1025 (f) The tax credit provided in this section may be
1026 first claimed for the 2013 tax year, but may not be claimed
1027 for any tax year prior to the 2013 tax year.

1028 (g) (1) Nothing in this section shall be construed to
1029 force any public school, school system, or school district or
1030 any nonpublic school, school system, or school district to
1031 enroll any student. No qualifying school may enter into any
1032 agreement, whether oral or written, with a scholarship
1033 granting organization that would prohibit or limit an eligible
1034 student from enrolling in the school based on the identity of
1035 the scholarship granting organization from which the eligible
1036 student received an educational scholarship.

1037 (2) A public school, school system, or school district



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1038 or any nonpublic school, school system, or school district may
1039 develop the terms and conditions under which it will allow a
1040 student who receives a scholarship from a scholarship granting
1041 organization pursuant to this section to be enrolled, but such
1042 terms and conditions may not discriminate on the basis of the
1043 race, gender, religion, disability status, or ethnicity of the
1044 student or of the student's parent.

1045 (3) Nothing in this section shall be construed to
1046 authorize the violation of or supersede the authority of any
1047 court ruling that applies to the public school, school system,
1048 or school district, specifically any federal court order
1049 related to the desegregation of the local school system's
1050 student population.

1051 (h) Nothing in this chapter shall affect or change the
1052 athletic eligibility rules of student athletes governed by the
1053 Alabama High School Athletic Association or similar
1054 association."

1055 Section 2. Commencing on the effective date of this
1056 act, the State Board of Education shall refer to any public
1057 K-12 school or school district that is determined to have poor
1058 performance or is failing to make adequate progress as a
1059 lowest sixth percent school, in lieu of a failing school, and
1060 shall refer to a nonfailing school as an upper 94th percent
1061 school, when amending rules or adopting rules.

1062 Section 3. This act shall become effective on the first
1063 day of the third month following its passage and approval by
1064 the Governor, or its otherwise becoming law.