

# HB178 ENGROSSED



1 HB178  
2 11I5AL3-2  
3 By Representative Garrett  
4 RFD: Ways and Means Education  
5 First Read: 13-Jan-26



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A BILL

TO BE ENTITLED

AN ACT

Relating to public K-12 education; to provide a process for the creation of a consolidated city school system by merging two or more city boards of education; to provide a procedure for protesting a proposed consolidation of two or more city school systems; and to require the State Board of Education to adopt rules.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. (a) Whenever two or more contiguous city boards of education deem it advisable to consolidate the administration of their respective city school systems under one remaining controlling city board of education, each city board of education shall adopt and record within the minutes of each board an agreement providing for the consolidation. A formal resolution adopted by all members of the agreeing boards shall detail and provide for the payment of their respective indebtedness, specify how the consolidation will take place, identify which city board of education will be the remaining controlling city board of education and which city board or boards of education will be abolished, and designate the time frame during which the consolidation will be



## HB178 Engrossed

implemented. Subject to subsection (b), the consolidation shall be finalized as designated in the formal resolution.

(b) (1) If, within 30 days after the adoption of the formal resolution, 25 percent of the qualified electors residing within the boundaries of any of the school systems proposing consolidation submit a protest, in writing, to any of the affected city boards of education, the consolidation may not occur unless the consolidation is approved by a majority of the qualified electors residing in the combined territory wherein all affected city school systems are located who vote in a referendum election as provided in this subsection.

(2) The referendum shall be held on the day designated by the judge of probate of the county in which the remaining controlling city board of education is proposed to be located. The order setting the election shall be entered by the judge of probate within one month after the expiration of the 30-day time period provided in subdivision (1), and the election shall be held not more than 60 days after the date of the order setting the election.

(3) At least 30 days before the referendum elections are scheduled to be held, the sheriff shall give notice of the time and the purpose of the referendum elections by publication in a newspaper of general circulation in each affected city. If no newspaper exists, the notice shall be published in a prominent manner on each affected city school system's official website.

(4) The elections shall be held and the results shall



## HB178 Engrossed

57 be canvassed in the same manner as regular elections for city  
58 officers.

59 (5) The ballots shall have printed at the top a  
60 statement of the purpose of the referendum elections and  
61 directly underneath, in plain type and on different lines, the  
62 words, "For Consolidation" and "Against Consolidation".

63 (6) If a majority of the qualified electors voting in  
64 the combined territory of the affected city school systems  
65 vote to approve the consolidation, the remaining controlling  
66 city board of education shall remain, and the other city board  
67 or boards of education shall be abolished, as provided in the  
68 formal resolution, and the schools of those city or cities  
69 shall be administered by the remaining controlling city board  
70 of education.

71 (c) The consolidation shall not operate to relieve any  
72 board of education, or other governing body, of liability for  
73 obligations previously incurred, or to impair rights existing  
74 prior to the consolidation. The agreement and formal  
75 resolution shall be binding on both the abolished city boards  
76 of education and the remaining controlling city board of  
77 education. If a consolidation occurs, the remaining  
78 controlling city board of education shall have the right to  
79 compel the execution of contractual obligations made to any of  
80 the boards before the consolidation.

81 (d) The State Board of Education shall adopt rules as  
82 necessary to provide for the implementation of this section.

83 Section 2. This act shall become effective on October  
84 1, 2026.



## HB178 Engrossed

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### House of Representatives

88 Read for the first time and referred .....13-Jan-26  
89 to the House of Representatives  
90 committee on Ways and Means  
91 Education  
92  
93 Read for the second time and placed .....21-Jan-26  
94 on the calendar:  
95 0 amendments  
96  
97 Read for the third time and passed .....03-Feb-26  
98 as amended  
99 Yeas 104  
100 Nays 0  
101 Abstains 0  
102  
103  
104 John Treadwell  
105 Clerk  
106