

HB380 INTRODUCED



1 HB380
2 BYRBKJQ-1
3 By Representative Collins (Constitutional Amendment)
4 RFD: Education Policy
5 First Read: 03-Feb-26



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4 SYNOPSIS:

5 This bill would propose an amendment to the
6 Constitution of Alabama of 2022, relating to public
7 K-12 education, to provide a process for two or more
8 county boards of education to form a consolidated
9 school system.

10 This bill would require the State Board of
11 Education to conduct an impact study on the potential
12 effects of the consolidation.

13 This bill would provide a procedure for
14 protesting the proposed consolidation of two or more
15 county school systems.

16 This bill would also require the State Board of
17 Education to adopt rules as necessary for
18 implementation.

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21 A BILL
22 TO BE ENTITLED
23 AN ACT

24

25 Proposing an amendment to the Constitution of Alabama
26 of 2022, to provide a process for the creation of a
27 consolidated county school system by merging two or more
28 county boards of education; to require the State Board of



29 Education to conduct an impact study on the potential effects
30 of the consolidation; to require publication of the impact
31 study; to provide a procedure for protesting a proposed
32 consolidation of two or more county school systems; and to
33 require the State Board of Education to adopt rules.

34 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

35 Section 1. The following amendment to the Constitution
36 of Alabama of 2022, is proposed:

37 PROPOSED AMENDMENT

38 (a) Whenever two or more contiguous county boards of
39 education deem it advisable to consolidate the administration
40 of their respective county school systems under one remaining
41 controlling multi-county board of education, each county board
42 of education shall adopt and record within the minutes of each
43 board an agreement providing for the consolidation. A formal
44 resolution adopted by all members of the agreeing boards shall
45 detail and provide for the payment of their respective
46 indebtedness, specify how the consolidation will take place,
47 identify how the remaining controlling multi-county board of
48 education will operate, the roles and duties of the resulting
49 multi-county board members, and designate the time frame
50 during which the consolidation will be implemented. Subject to
51 subsection (c), the consolidation shall be finalized as
52 designated in the formal resolution.

53 (b) Before a consolidation may occur, the State Board
54 of Education shall conduct an impact study on the potential
55 effects of the proposed consolidation, including, but not
56 limited to, the impact on students, families, educational



57 quality, educational programs, staff, facilities,
58 transportation and operations, finances and taxes, community
59 identity, and governance. At least 30 calendar days before
60 adopting the formal resolution finalizing the consolidation,
61 the State Board of Education shall post a copy of the impact
62 study on the public website of the State Department of
63 Education.

64 (c) (1) If, within 30 days after the adoption of the
65 formal resolution, 25 percent of the qualified electors
66 residing within the boundaries of any of the school systems
67 proposing consolidation submit a protest, in writing, to any
68 of the affected county boards of education, the consolidation
69 may not occur unless the consolidation is approved by a
70 majority of the qualified electors residing in each county or
71 counties wherein all affected county school systems are
72 located who vote in a referendum election as provided in this
73 subsection.

74 (2) The consolidation shall become operative only if
75 approved by a majority of the qualified electors who reside
76 within the combined territory of the affected county school
77 systems who vote in a referendum election to be held on the
78 date of the next regularly scheduled general election. The
79 order setting the election shall be entered by the judge of
80 probate of each affected county within one month after the
81 expiration of the 30-day time period provided in subdivision
82 (1). Notice of the election shall be given by the judge of
83 probate of each county, and the election shall be held,
84 conducted, and the results canvassed in the manner as other



85 county elections. The ballots shall have printed at the top a
86 statement of the purpose of the referendum election and
87 directly underneath, in plain type and on different lines, the
88 words, "For Consolidation," and "Against Consolidation." If a
89 majority of the qualified electors voting in the combined
90 territory of the affected county school systems vote to
91 approve the consolidation, the consolidation shall be
92 finalized as designated in the formal resolution.

93 (d) The consolidation shall not operate to relieve any
94 board of education, or other governing body, of liability for
95 obligations previously incurred, or to impair rights existing
96 before the consolidation. The agreement and formal resolution
97 shall be binding on the combined county boards of education.
98 If a consolidation occurs, the remaining controlling
99 multi-county board of education shall have the right to compel
100 the execution of contractual obligations made to any of the
101 boards before the consolidation.

102 (e) The State Board of Education shall adopt rules as
103 necessary to provide for the implementation of this section.

104 Upon ratification of this constitutional amendment, the
105 Code Commissioner shall number and place this amendment as
106 appropriate in the constitution omitting this instructional
107 paragraph and may make the following nonsubstantive revisions:
108 change capitalization, hierarchy, spelling, and punctuation
109 for purposes of style and uniformity; correct manifest
110 grammatical, clerical, and typographical errors; revise
111 internal or external citations and cross-references; harmonize
112 language; and translate effective dates.



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113 END OF PROPOSED AMENDMENT

114 Section 2. An election upon the proposed amendment
115 shall be held in accordance with Sections 284 and 285 of the
116 Constitution of Alabama of 2022, and the election laws of this
117 state. The appropriate election official shall assign a ballot
118 number for the proposed constitutional amendment on the
119 election ballot and shall set forth the following description
120 of the substance or subject matter of the proposed
121 constitutional amendment:

122 "Proposing an amendment to the Constitution of Alabama
123 of 2022, to provide a process for the creation of a
124 consolidated county school system by merging two or more
125 contiguous county boards of education; to require the State
126 Board of Education to conduct an impact study on the potential
127 effects of the consolidation; to require publication of the
128 impact study; to provide a procedure for protesting a proposed
129 consolidation of two or more county school systems; and to
130 require the State Board of Education to adopt rules.

131 Proposed by Act ____."

132 This description shall be followed by the following
133 language:

134 "Yes() No()."

135 Section 3. The proposed amendment shall become valid as
136 a part of the Constitution of Alabama of 2022, when approved
137 by a majority of the qualified electors voting thereon.