

1 HB463
2 183882-1
3 By Representative Howard
4 RFD: Education Policy
5 First Read: 04-APR-17

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8 SYNOPSIS: Under existing law, charter schools
9 organized pursuant to the Alabama School Choice and
10 Student Opportunity Act are not required to comply
11 with state or local laws, rules, regulations,
12 policies, or procedures relating to non-charter
13 public schools.

14 This bill would subject charter schools to
15 the same state and local laws, rules, regulations,
16 policies, and procedures that non-charter public
17 schools are subject.

18
19 A BILL
20 TO BE ENTITLED
21 AN ACT
22

23 To amend Section 16-6F-9, Code of Alabama 1975,
24 relating to the Alabama School Choice and Student Opportunity
25 Act and the legal status of public charter schools; to subject
26 charter schools to the same state and local laws, rules,

1 regulations, policies, and procedures as non-charter public
2 schools.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

4 Section 1. Section 16-6F-9 of the Code of Alabama
5 1975, is amended to read as follows:

6 "§16-6F-9.

7 "(a) Legal status of a public charter school.

8 "(1) Notwithstanding any provision of law to the
9 contrary, to the extent that any provision of this chapter is
10 inconsistent with any other state or local law, rule, or
11 regulation, the provisions of this chapter shall govern and be
12 controlling.

13 "(2) A public charter school shall be subject to all
14 federal laws and authorities enumerated herein or arranged by
15 charter contract with the school's authorizer, where such
16 contracting is consistent with applicable laws, rules, and
17 regulations.

18 "(3) ~~Except as provided in this chapter, a~~ A public
19 charter school ~~shall not be~~ is subject to the state's
20 education statutes ~~or~~ and any state or local rule, regulation,
21 policy, or procedure relating to non-charter public schools
22 within an applicable local school system regardless of whether
23 such rule, regulation, policy, or procedure is established by
24 the local school board, the State Board of Education, or the
25 State Department of Education.

26 "(4) A single governing board may hold one or more
27 charter contracts. Each public charter school that is part of

1 a charter contract shall be separate and distinct from any
2 others.

3 "(5) A start-up public charter school shall function
4 as a local educational agency (LEA). A public charter school
5 shall be responsible for meeting the requirements of LEAs
6 under applicable federal, state, and local laws, including
7 those relating to special education. LEA status shall not
8 preclude a public charter school from developing partnerships
9 with school systems for services, resources, and programs by
10 mutual agreement or formal contract.

11 "(6) A conversion public charter school shall remain
12 a part of the LEA in which the non-charter public school
13 existed prior to its conversion to a public charter school.

14 "(7) A public charter school shall have primary
15 responsibility for special education at the school, including
16 identification and service provision. It shall be responsible
17 for meeting the needs of enrolled students with disabilities.
18 This does not preclude the public charter school from
19 collaborating with the local school system to meet the needs
20 of any special education student.

21 "(8) The governing board of a public charter school
22 shall hold meetings in the local school system in which the
23 public charter school is located and at times convenient for
24 parents to attend.

25 "(9) All members of a governing board shall be
26 subject to the State Ethics Law.

1 "(b) Powers of public charter schools. A public
2 charter school shall have all the powers necessary for
3 carrying out the terms of its charter contract including the
4 following powers:

5 "(1) To receive and disburse funds for school
6 purposes.

7 "(2) To secure appropriate insurance and to enter
8 into contracts and leases.

9 "(3) To contract with an education service provider
10 for the management and operation of the public charter school
11 so long as the school's governing board retains oversight
12 authority over the school.

13 "(4) To incur debt in reasonable anticipation of the
14 receipt of public or private funds.

15 "(5) To pledge, assign, or encumber its assets to be
16 used as collateral for loans or extensions of credit.

17 "(6) To solicit and accept any gifts or grants for
18 school purposes subject to applicable laws and the terms of
19 its charter contract.

20 "(7) To acquire real property for use as its
21 facility or facilities, from public or private sources.

22 "(8) To sue and be sued in its own name.

23 "(c) General requirements.

24 "(1) A public charter school shall not discriminate
25 against any person on the basis of race, creed, color, sex,
26 disability, or national origin or any other category that
27 would be unlawful if done by a non-charter public school.

1 "(2) No public charter school may engage in any
2 sectarian practices in its educational program, admissions or
3 employment policies, or operations.

4 "(3) A public charter school shall not discriminate
5 against any student on the basis of national origin minority
6 status or limited proficiency in English. Consistent with
7 federal civil rights laws, public charter schools shall
8 provide limited English proficient students with appropriate
9 services designed to teach them English and the general
10 curriculum.

11 "(4) A public charter school shall not charge
12 tuition and may only charge such fees as may be imposed on
13 other students attending public schools in the state.

14 "(5) The powers, obligations, and responsibilities
15 set forth in the charter contract cannot be delegated or
16 assigned by either party.

17 "(d) Applicability of other laws, rules, and
18 regulations.

19 "(1) Public charter schools shall be subject to the
20 same civil rights, health, and safety requirements, including,
21 but not limited to, state and local public health and building
22 codes, employee fingerprinting and criminal background checks
23 applicable to other public schools in the state, ~~except as~~
24 ~~otherwise specifically provided in this chapter.~~

25 "(2) Public charter schools shall be subject to the
26 statewide end-of-year annual standardized assessment as
27 applicable to other public schools in the state, but nothing

1 herein shall preclude a public charter school from
2 establishing additional student assessment measures that go
3 beyond state requirements if the school's authorizer approves
4 such measures.

5 "(3) Public charter school governing boards shall be
6 subject to and comply with the Alabama Open Meetings Act and
7 public records laws.

8 "(4) Any provision of this chapter to the contrary
9 notwithstanding, public charter schools shall be subject to
10 competitive bid laws in the same fashion as local boards of
11 education.

12 "(e) Public charter school employees.

13 "(1) Public charter schools shall comply with
14 applicable federal laws, rules, and regulations regarding the
15 qualification of teachers and other instructional staff. ~~In~~
16 ~~accordance with subsection (a), teachers in public charter~~
17 ~~schools shall be exempt from state teacher certification~~
18 ~~requirements.~~

19 "(2) Start-up public charter schools may elect to
20 participate in the Teachers' Retirement System and Public
21 Education Employees' Health Insurance Plan. Such election must
22 take place prior to the execution of the charter contract and
23 once made is irrevocable. Conversion charter schools shall
24 participate in the Teachers' Retirement System and Public
25 Education Employees' Health Insurance Plan and shall provide
26 compensation for teachers and school nurses that complies with
27 the pro rata daily rate of pay as provided in the state

1 minimum salary schedules for teachers and school nurses.
2 Employees of participating start-up public charter schools and
3 employees of conversion public charter schools shall
4 participate in the Teachers' Retirement System of Alabama as
5 teachers defined in subdivision (3) of Section 16-25-1, and
6 are eligible to participate in the Public Education Employees'
7 Health Insurance Plan as employees defined in subdivision (1)
8 of Section 16-25A-1.

9 "(3) A public charter school may not interfere with
10 laws and applicable rules protecting the rights of employees
11 to organize and be free from discrimination.

12 "(4) Public charter school employees, teachers, and
13 other instructional staff shall be subject to the State Ethics
14 Law, Chapter 25 of Title 36.

15 "(f) Access to extracurricular and interscholastic
16 activities. Nothing in this chapter shall be construed to
17 prevent a public charter school from forming an athletic team
18 and participating in interscholastic athletics in the State of
19 Alabama. If a public charter school elects for its students to
20 participate in athletic contests or competitions, then the
21 school shall pursue membership in the Alabama High School
22 Athletic Association and shall adhere to all guidelines,
23 rules, regulations, and bylaws as other member schools."

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