Alabama Accountability Act
Talking Points

1. **Failing School**
   Definition per Section 4(3) of ACT 2013-265: A public K-12 school (i) that is labeled as persistently low-performing by the State Department of Education, in the then most recent United States Department of Education School Improvement Grant application; (ii) that is designated as a failing school by the State Superintendent of Education; or (iii) that does not exclusively serve a special population of students and, until June 1, 2017, has been listed three or more times during the then-most recent six years in the lowest six percent of public K-12 schools on the state standardized assessment in reading and math or, on or after June 1, 2017, has during the then-most recent three years, earned at least one grade of “F” or, during the then-most recent four years, earned at least three grades of “D” on the school grading system developed pursuant to Section 16-6C-2, Code of Alabama 1975.

Business Rules for Calculation to meet Section 4(3)i of ACT 2013-265:

1. Determine current/open schools as of March 14, 2013.
2. Determine the public K12 schools that were labeled as persistently low-performing by the State Department of Education, in the then most recent United State Department of Education School Improvement Grant (FY2011 Identified for Tier I and II Lowest-Achieving 5%).

Business Rules for Calculation to meet Section 4(3)iii of ACT 2013-265:

1. Determine current/open schools and remove any school that exclusively serves a special population as of March 14, 2013.
3. Compile a list of schools that met the bottom 6% in any three of the six years listed above.

2. **Notification of Choice**
   Notification to parents of children enrolled in an Alabama public school designated as a failing school or scheduled to enroll in a failing school as defined above will be provided such notification in January that will outline the options those parents may pursue related to School Choice as follows.
   a. Option 1 – The student may remain or enroll in the assigned school.
   b. Option 2 – The student may transfer to a comparable school that is not included on the annual list of “failing schools” within the same local school system that has available space and is willing to accept the student.
   c. Option 3 – If the local system has not made Option 2 available, the student may transfer to a comparable school that is not included on the annual list of “failing schools” within another Alabama local school system that has available space and is willing to accept the student.
   d. Option 4 – The student may transfer to a qualifying non-public Alabama school that is willing to accept the student.

January 2014
3. Transfer Process
   a. Parents choosing any of the four applicable options for transfer must complete the required Notice of Transfer and submit to the local superintendent by May 2, 2014 for the 2014-2015 school year.
   b. The Notice of Transfer must include verification from the school administrator of the school where the student is transferring.
   c. The parent or legal guardian of a student who transfers from a failing school after March 14, 2013, shall remain eligible for the state income tax credit or educational scholarship until the student completes the highest grade level that the failing school offered at the time of the transfer.

4. Transportation
   a. Transportation services for students who transfer from a failing school to another non-failing school within the same system remain the responsibility of the local education agency (LEA).
   b. Transportation costs for students who transfer from a failing school to a non-failing school in another LEA or a non-public school become the responsibility of the parent.

5. Student Assessment
   Students who transfer from a failing school to a non-failing public or qualifying non-public school and participate in the tax credit and/or scholarship program must participate in the approved statewide student assessment program or a nationally norm-referenced test that measures comparable content standards in math and language arts for accountability reporting.

6. Students with Disabilities
   a. Students with disabilities who transfer to another non-failing school within the same district remain eligible for services as outlined in the current Individualized Education Program (IEP).
   b. Students with disabilities who transfer to another non-failing school within another public school system remain eligible for services as outlined in the current Individualized Education Program (IEP). The receiving LEA may convene an IEP Team meeting to make any revisions to the IEP based on the needs of the student within the new environment.
   c. Students with disabilities who transfer to a non-public school will be eligible for the equitable services provided to non-public school students contained in the LEA Non-Public School Special Education Services Plan.

7. Qualifying Non-Public School
   a. A qualifying non-public school includes private and church schools registered with the Alabama State Department of Education.
   b. A qualifying non-public school does not include schools that provide educational services through homeschools or on-line courses.
   c. A qualifying non-public school must meet the requirements to participate in the scholarship program authorized by the Alabama Accountability Act of 2013, as amended.
   d. A qualifying non-public school must be accredited by one of the six regional accrediting agencies recognized by the Alabama State Board of Education or meet all of the conditions for a qualifying school provided by the Alabama Accountability Act of 2013, as amended.