SB365

137123-1


RFD: Education

First Read: 23-FEB-12
SYNOPSIS: This bill would establish the Alabama School Flexibility Act of 2012.

This bill would authorize the establishment of innovative schools and school systems in the State of Alabama.

This bill would allow the State Board of Education to enter into a school flexibility contract with a local school system to allow for programmatic flexibility or budgetary flexibility, or both, from state laws, including State Board of Education rules, regulations, and policies in exchange for academic and associated goals for students that focus on college and career readiness.

This bill would require the local board of education to submit a document of assurance that the board shall provide consistency in leadership and a commitment to the standards, assessments, and academic rigor expected in Alabama.
This bill would require the local school system to submit a proposed innovation plan recommended by the local superintendent of education and approved by the local board of education to the State Superintendent of Education in order to qualify for innovation status.

This bill would also authorize the State Board of Education to promulgate any necessary rules and regulations as required for implementation.

A BILL
TO BE ENTITLED
AN ACT

To establish the Alabama School Flexibility Act of 2012, relating to public K-12 education; to authorize the establishment of innovative schools and school systems in the state; to provide an overview; to authorize the State Board of Education to enter into school flexibility contracts with local school systems; to require the local board of education to submit a document of assurance; to require the State Board of Education to promulgate rules and regulations relating to innovative school systems; to require local school systems to submit an innovation plan to the State Department of Education in order to qualify for innovation status; to provide
legislative findings and purposes; and to provide for an
effective date.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. This act shall be known and may be cited
as the Alabama School Flexibility Act of 2012.

Section 2. (a) Innovative schools and school systems
may be established in Alabama in accordance with this act.

(b) The purpose of this act is to advance the
benefits of local school and school system autonomy in
innovation and creativity by allowing flexibility from state
laws and regulations and local school system policies.

Section 3. (a) The Legislature finds and declares
all of the following:

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

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

(3) To better serve students and better use
available resources to allow local boards of education and
local school systems the ability to explore flexible
alternatives in an effort to be more efficient and effective in providing operational and programmatic services.

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

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

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

(3) Encourage innovation in education by providing local school systems and school administrators with greater control over decisions including, but not limited to, budgetary matters, staffing, personnel, scheduling, and educational programming, including curriculum and instruction.

Section 4. For the purposes of this act, the following terms shall have the following meanings:

(1) FLEXIBILITY CONTRACT. A school flexibility contract between the local school system and the State Board of Education wherein a local school system may apply for programmatic flexibility or budgetary flexibility, or both, from state law, including State Board of Education rules, regulations, and policies.

(2) INNOVATION PLAN. The request of a local school system for flexibility and plan for annual accountability measures and five-year targets for all participating schools within the school system.
(3) LOCAL BOARD OF EDUCATION. A city or county board of education that exercises management and control of a local school system pursuant to state law.

(4) LOCAL SCHOOL SYSTEM. A public agency that establishes and supervises one or more public schools within its geographical limits pursuant to state law.

(5) SCHOOL ADMINISTRATOR. A local superintendent of education or local school principal, unless otherwise specified.

Section 5. (a) Pursuant to this act, to be considered as an innovative school system, a local school system shall successfully comply with the requirements and procedures set forth by the State Department of Education in its guidance on school flexibility contracts, which include, but are not limited to:

(1) Submittal to the State Department of Education of a letter of intent to pursue a school flexibility contract.

(2) Submittal of a resolution adopted by the local board of education supporting the intent of the local school system to pursue a school flexibility contract.

(3) Submittal of a document of assurance stating that the local board of education shall provide consistency in leadership and a commitment to state standards, assessments, and academic rigor.

(4) Submittal to the State Board of Education of a resolution adopted by the local board of education supporting
the flexibility contract proposal and the anticipated timeline of the local school system.

(b) A local school system pursing a school flexibility contract shall have a local superintendent of education who has served a minimum of one year in the local school system. With approval by the State Board of Education, this requirement may not preclude the pursuit of a school flexibility contract in those school systems where a local superintendent of education has served less than one year.

(c) Pursuant to State Board of Education rules, each local school system shall provide an opportunity for full discussion and public input before submitting a school flexibility contract proposal to the State Board of Education.

(d) A local school system shall ensure that its school flexibility contract proposal and innovation plan is easily accessible to the general public on the website of the local school system.

Section 6. (a) The innovation plan of a local school system shall include, at a minimum, all of the following:

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

(2) The list of state laws, including State Board of Education rules, regulations, and policies, that the local school system is seeking to waive in its school flexibility contract.

(3) A list of schools included in the innovation plan of the local school system.
(b) A local school system is accountable to the state for the performance of all schools in its system, including innovative schools, under state and federal accountability requirements.

(c) A local school system may not waive requirements imposed by federal law.

(d) The State Department of Education shall finalize all school data and the local school system shall seek approval of the local board of education before final submission to the State Department of Education and the State Board of Education.

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

(f) The State Board of Education shall promulgate any necessary rules and regulations required to implement this act including, but not limited to, all of the following:

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

(2) An authorization for the State Department of Education, upon approval by the State Board of Education after periodic review, to revoke a school flexibility contract for noncompliance or nonperformance, or both, by a local school system.
(3) An outline of procedures and necessary steps that a local school system shall follow, upon denial of an original submission, to amend and resubmit an innovation plan and school flexibility contract for approval.

Section 7. The State Board of Education and the State Department of Education shall ensure equal opportunity for all school systems that apply for programmatic flexibility or budgetary flexibility, or both, as delineated in this act, and in no way shall one local school system be favored over another local school system based upon its size, location, student population, or any other possible discriminatory measure.

Section 8. This act shall become effective immediately following its passage and approval by the Governor, or its otherwise becoming law.