SB381

150844-1

By Senator Brewbaker

RFD: Education

First Read: 04-APR-13
SYNOPSIS: This bill would amend the Alabama Accountability Act of 2013, to specify that no public or nonpublic school may be forced to enroll a student pursuant to the act.

A BILL
TO BE ENTITLED
AN ACT

To amend Section 8 of the Alabama Accountability Act of 2013, Act 2013-64, proposed by House Bill 84 of the 2013 Regular Session (Acts 2013); to specify that no public or nonpublic school may be forced to enroll a student pursuant to the act.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 8 of the Alabama Accountability Act of 2013, Act 2013-64, proposed by House Bill 84 of the 2013 Regular Session (Acts 2013), is amended to read as follows:
"Section 8. (a) To provide educational flexibility and state accountability for students in failing schools:

"(1) For tax years beginning on and after January 1, 2013, an Alabama income tax credit is made available to the parent of a student enrolled in or assigned to attend a failing school to help offset the cost of transferring the student to a nonfailing public school or nonpublic school of the parent’s choice. The income tax credit shall be an amount equal to 80 percent of the average annual state cost of attendance for a public K-12 student during the applicable tax year or the actual cost of attending a nonfailing public school or nonpublic school, whichever is less. A parent is allowed a credit against income tax for each taxable year under the terms established in this section. If income taxes owed by the parent are less than the total credit allowed under this subsection, the taxpayer shall be entitled to a refund or rebate, as the case may be, equal to the balance of the unused credit with respect to that taxable year.

"(2) Any income tax credit due a parent under this section shall be granted or issued to the parent only upon his or her making application therefor, at such time and in such manner as may be prescribed from time to time by the Department of Revenue. The application process shall include, but not be limited to, certification by the parent that the student was enrolled in or was assigned to attend a failing school, certification by the parent that the student was subsequently transferred to, and was enrolled and attended, a
nonfailing public school or nonpublic school of the parent's choice, and proof, satisfactory to the Department of Revenue, of the actual cost of attendance for the student at the nonfailing public school or nonpublic school. The Department of Revenue shall also prescribe the various methods by which income tax credits are to be issued to taxpayers. Income tax credits authorized by this section shall be paid out of sales tax collections made to the Education Trust Fund, and set aside by the Comptroller in the Failing School Tax Credit Account created in subsection (c), in the same manner as refunds of income tax otherwise provided by law, and there is hereby appropriated therefrom, for such purpose, so much as may be necessary to annually pay the income tax credits provided by this section.

"(3) An application for an income tax credit authorized by this section shall be filed with the Department of Revenue within the time prescribed for filing petitions for refund under Section 40-2A-7, Code of Alabama 1975.

"(4) The Department of Revenue shall promulgate reasonable rules to effectuate the intent of this section.

"(b)(1) The parent of a public school student may request and receive an income tax credit pursuant to this section to reimburse the parent for costs associated with transferring the student from a failing school to a nonfailing public school or nonpublic school of the parent's choice, in any of the following circumstances:
"a. By assigned school attendance area, if the student spent the prior school year in attendance at a failing school and the attendance of the student occurred during a school year in which the designation was in effect.

"b. The student was in attendance elsewhere in the Alabama public school system and was assigned to a failing school for the next school year.

c. The student was notified that he or she was assigned to a failing school for the next school year.

"(2) This section does not apply to a student who is enrolled in the Department of Youth Services School District.

"(3) For the purposes of continuity of educational choice, the tax credit shall be available to parents for those grade levels of the failing school from which the student transferred. The parent of a student who transfers from a failing school may receive income tax credits for those grade levels enrolled in and attended in the nonfailing public school or nonpublic school of the parent's choice transferred to that were included in the failing school from which the student transferred, whether or not the failing school becomes a nonfailing school during those years. The student shall return to his or her original local school system of attendance when he or she completes the highest grade level of the failing school transferred from in the nonfailing public school or nonpublic school of the parent's choice. If the public school the student returns to is a failing school, the parent may again transfer the student to a nonfailing public
school or nonpublic school of the parent's choice and request and receive an income tax credit as provided in this section.

"(4) A local school system, for each student enrolled in or assigned to a failing school, shall do all of the following:

"a. Timely notify the parent of the student of all options available under this section as soon as the school of attendance is designated as a failing school.

"b. Offer the parent of the student an opportunity to enroll the student in another public school within the local school system that is not a failing school or a failing school to which the student has been assigned.

"(5) The parent of a student enrolled in or assigned to a school that has been designated as a failing school, as an alternative to paragraph b. of subdivision (4), may choose to enroll the student in and transport the student to a nonfailing public school that has available space in any other local school system in the state, and that local school system is willing to accept the student on whatever terms and conditions the system establishes and report the student for purposes of the local school system's funding pursuant to the Foundation Program. Nothing in this act shall be construed to force any school, whether public or nonpublic, to enroll any student.

"(6) For students in the local school system who are participating in the tax credit program, the local school
system shall provide locations and times to take all statewide 
assessments required by law.

"(7) Students with disabilities who are eligible to 
receive services from the local school system under federal or 
state law, and who participate in the tax credit program, 
remain eligible to receive services from the local school 
system as provided by federal or state law.

"(8) If a parent requests that the student be 
enrolled in a nonfailing public school within the same local 
school system, transportation costs to the nonfailing public 
school shall be the responsibility of the local school system.

"(9) The State Department of Education shall 
promulgate reasonable rules to effectuate the intent of this 
section. Rules shall include penalties for noncompliance.

"(c) There is created within the Education Trust 
Fund a separate account named the Failing Schools Income Tax 
Credit Account. The Commissioner of Revenue shall annually 
certify to the Comptroller the amount of income tax credits 
due to parents under this section and the Comptroller shall 
transfer into the Failing Schools Income Tax Credit Account 
only the amount from sales tax revenues within the Education 
Trust Fund that is sufficient for the Department of Revenue to 
use to cover the income tax credits for the applicable tax 
year. The Commissioner of Revenue shall annually distribute 
the funds in the Failing Schools Income Tax Credit Account to 
parents pursuant to this section."
Section 2. This act shall become effective immediately following its passage and approval by the Governor, or its otherwise becoming law.