

1 SB229
2 174881-3
3 By Senator Brewbaker
4 RFD: Education and Youth Affairs
5 First Read: 16-FEB-16

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4 ENGROSSED

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7 A BILL
8 TO BE ENTITLED
9 AN ACT

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11 To amend Section 2 of Act 2015-89 of the 2015
12 Regular Session, now appearing as Section 16-46A-2, Code of
13 Alabama 1975, relating to virtual schools, to clarify existing
14 law and provide additional guidance for the local school
15 system providing a virtual school program and the local school
16 of residence of the student enrolled in the program to use in
17 determining the distribution of state and federal funds to the
18 local school systems involved.

19 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

20 Section 1. To amend Section 2 of Act 2015-89 of the
21 2015 Regular Session, now appearing as Section 16-46A-2, Code
22 of Alabama 1975, is amended to read as follows:

23 "§16-46A-2.

24 "(a) A ~~full-time~~ student enrolled full time in a
25 virtual program shall be enrolled and counted in the average
26 daily membership of the local school in which the virtual
27 program is offered, participate in state testing and

1 accountability requirements through the local school system in
2 which the student is enrolled, and, upon satisfying the
3 graduation requirements of the local board of education,
4 receive a diploma from the local school system where enrolled.

5 " (b) (1) Any provision of this chapter to the
6 contrary notwithstanding, a student enrolled in a virtual
7 school program offered by ~~his or her~~ the local school system
8 where he or she resides shall be treated as if he or she is
9 attending ~~his or her~~ the local school in the attendance zone
10 in which ~~they reside~~ he or she resides for purposes of
11 participating in extracurricular activities and shall be
12 subject to the same requirements, including Alabama High
13 School Athletic Association rules, imposed on a traditional
14 public school student enrolled in the traditional public
15 school. In addition, ~~if local board of education policy~~
16 ~~permits inter-system transfer for all students,~~ a student who
17 is enrolled under this policy in a full-time virtual school
18 program in a school system other than the local school system
19 in which he or she resides pursuant to an interdistrict
20 transfer shall be treated as if he or she is attending his or
21 her local school ~~of record~~ in the attendance zone in which he
22 or she resides for the purposes of participating in
23 extracurricular activities and shall be subject to the same
24 requirements, including Alabama High School Athletic
25 Association rules, imposed on a traditional public school
26 student enrolled in the traditional public school.

1 "(2) Any local board of education may permit the
2 enrollment into its full-time virtual school program of
3 students who reside outside of the school district of that
4 local board or students whose permanent residence is in this
5 state but, as the dependent of a member of the United States
6 Military, temporarily reside outside of this state due to
7 military deployment, transfer, or assignment.

8 "(3)a. Each student enrolled full-time in a
9 full-time virtual program shall be counted in the average
10 daily membership of the local school in which the virtual
11 program is offered, regardless of the attendance zone where
12 the student resides.

13 "b. Each student enrolled full-time in a full-time
14 virtual program shall be counted in the average daily
15 membership of the local school in which the virtual program is
16 offered to the same extent that a traditional student would be
17 counted at the school.

18 "c. With respect to the Foundation Program and other
19 public school Education Trust Fund appropriations, each local
20 board of education with a full-time virtual program shall
21 receive the same amount of state funds that would otherwise be
22 allocated as if the full-time students of the local board of
23 education enrolled in its virtual program were students
24 engaged in the traditional delivery of instruction.

25 "d. The department shall direct the proportionate
26 share of monies generated under federal and state categorical

1 aid programs to school districts providing a full-time virtual
2 school program and serving students eligible for that aid.

3 "e. The department shall also pay directly to the
4 local school system providing the full-time virtual school
5 program, any federal or state aid attributable to a student
6 with a disability who is enrolled full-time in the full-time
7 virtual school program.

8 "f. Where applicable, payments shall reflect the
9 status of each student according to grade level, economic
10 disadvantage, limited English proficiency, and special
11 education needs.

12 "g. Any provision of law to the contrary
13 notwithstanding, if a locally enacted revenue measure would
14 not otherwise allocate any funding to a school system, then no
15 funds from the local measure shall be allocated to that system
16 due to its enrollment of students full-time in its full-time
17 virtual program that reside in an attendance zone outside of
18 that system, unless otherwise agreed by the board of education
19 operating the system and the board of education operating the
20 school in the attendance zone in which the student resides.

21 "(4)a. Any provision of this chapter to the
22 contrary notwithstanding, if all of the following exist:

23 "1. A student enrolls full time in the full-time
24 virtual program of a local school system that is outside of
25 the local school system where the student resides.

26 "2. The student does not regularly and physically
27 visit the facilities or meet with personnel of the local

1 school system that is outside of the local school system where
2 the student resides.

3 "3. The student was enrolled in the local school
4 system where the student resides during the month of September
5 immediately before his or her full-time enrollment in the
6 full-time virtual program.

7 "b. Then, the student shall continue to be treated
8 as fully enrolled in the local school system that is outside
9 of the local school system where the student resides, and the
10 student shall be counted in the average daily membership of
11 both local school systems at the following rates: 83 percent
12 for the local school system where the student is enrolled and
13 17 percent for the local school system where the student
14 resides.

15 "c. The manner provided in this subdivision for
16 determining average daily membership shall continue for as
17 long as the student has continuous full-time enrollment in a
18 full-time virtual program that is outside of the local school
19 system where he or she resides.

20 "(5) If a student enrolls full-time in the full-time
21 virtual program of a local school system that is outside of
22 the local school system where the student resides, the two
23 local school systems may enter into a written contract
24 specifying any of the following:

25 "a. The local school system in which the student is
26 deemed to be enrolled.

1 "b. The local school system which may count the
2 student in its average daily membership.

3 "c. The rates of any applicable student's average
4 daily membership, pursuant to subdivision (4).

5 "(c) A board of education shall be exempt from any
6 provision of general law, local law, or administrative rule
7 that applies to the traditional delivery of instruction
8 including, but not limited to, requirements relating to the
9 physical presence of a student, student monitoring and
10 security, staffing requirements, transportation obligations,
11 facility requirements, space and location requirements, time
12 requirements, and physical education requirements to the
13 extent any of the foregoing conflict with the delivery of the
14 virtual program.

15 "(d) A local board of education is not subject to
16 online course restrictions imposed by the State Department of
17 Education.

18 "(e) Any online course delivery that is not
19 supported by the State Department of Education shall be
20 accredited by an institution recognized pursuant to
21 administrative rule adopted by the department.

22 "(f) Coursework offered through a virtual program
23 shall contain the required content as identified in the
24 applicable Alabama course of study."

25 "(g) For eligibility to participate in athletics in
26 accordance with the bylaws of the Alabama High School Athletic
27 Association, a nontraditional student including, but not

1 limited to, virtual school student, charter school student, or
2 home school student shall be enrolled in the member school
3 that serves the area in which the parents of the student
4 reside. A nontraditional student is only eligible to
5 participate in athletics at the member school that serves the
6 area where the parents of the student reside."

7 Section 2. This act shall become effective
8 immediately following its passage and approval by the
9 Governor, or its otherwise becoming law.

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Senate

Read for the first time and referred to the Senate
committee on Education and Youth Affairs 16-FEB-16

Read for the second time and placed on the calen-
dar with 1 substitute and 1 amendment..... 03-MAR-16

Read for the third time and passed as amended 17-MAR-16

Yeas 19
Nays 8

Patrick Harris
Secretary