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3 HOUSE EDUCATION POLICY COMMITTEE SUBSTITUTE FOR HB546
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8 SYNOPSIS: This bill would establish the Educational
9 Opportunities Act.

10 This bill would further clarify the autonomy
11 of nonpublic schools, including church, parochial,
12 and private schools offering instruction in grades
13 K-12.

14 This bill would provide definitions and
15 procedures for nonpublic schools and virtual
16 schools to annually identify with the State
17 Department of Education, which shall be voluntary
18 for church schools.

19 This bill would set forth procedures for
20 disposal of student records when a school ceases to
21 exist.

22 This bill would clarify that students
23 transferring from identified nonpublic schools to a
24 public school are accepted by the public schools in
25 the same manner as transfer students from other
26 public schools.

1 This bill would require the State Department
2 of Education and local boards of education to
3 recognize all accrediting agencies of primary and
4 secondary schools that are recognized by the United
5 States Department of Education.

6 This bill would establish that nonpublic
7 schools are to comply with attendance laws and
8 perform criminal history background checks on
9 employees in accordance with law.

10 This bill would prohibit any public
11 postsecondary institution or program, including the
12 Alabama Fire College and any police academy, from
13 denying admission of, and to prohibit the state
14 from denying employment of, a student solely on the
15 basis that he or she graduated from a secondary
16 nonpublic school prior to the effective date of
17 this act.

18
19 A BILL

20 TO BE ENTITLED

21 AN ACT

22
23 To establish the Educational Opportunities Act; to
24 further clarify the autonomy of nonpublic schools, including
25 church, religious, parochial, and private schools offering
26 instruction in grades K-12; to provide definitions and
27 procedures for nonpublic schools and virtual schools to

1 annually identify with the State Department of Education,
2 which shall be voluntary for church schools; to set forth
3 procedures for disposal of student records when a school
4 ceases to exist; to clarify that students transferring from
5 identified nonpublic schools to a public school are accepted
6 by the public schools in the same manner as transfer students
7 from other public schools; to require the State Department of
8 Education and local boards of education to recognize all
9 accrediting agencies of primary and secondary schools that are
10 recognized by the United States Department of Education; to
11 establish that nonpublic schools are to comply with attendance
12 laws and perform criminal history background checks on
13 employees in accordance with law; to prohibit any public
14 postsecondary institution or program, including the Alabama
15 Fire College and any police academy, from denying admission
16 of, and to prohibit the state from denying employment of, a
17 student solely on the basis that he or she graduated from a
18 secondary nonpublic school prior to the effective date of this
19 act; and to repeal Sections 16-28-1 and 16-28-7, Code of
20 Alabama 1975, relating to definitions and reports of
21 enrollment under school attendance laws of the state.

22 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

23 Section 1. For the purposes of this act, the
24 following terms shall have the following meanings:

25 (1) ACCREDITATION. A distinction of quality
26 assurances met by a school as determined by one of the
27 agencies identified on the United States Department of

1 Education's list of Recognized National and Regional
2 Accrediting Agencies or their affiliates.

3 (2) CHURCH SCHOOL. Includes only schools that offer
4 instruction in grades K-12, or any combination thereof,
5 including preschool, through on-site or home programs, and are
6 operated as a ministry of a local church, group of churches,
7 denomination, and/or association of churches.

8 (3) DEPARTMENT. The State Department of Education.

9 (4) DIRECTORY INFORMATION. General contact
10 information that shall include all of the following: The name,
11 physical address, and mailing address of the school; the name,
12 phone number, and email address of the leader of the school;
13 and the grade levels of students served. The term does not
14 include student information, and individual student
15 information specifically shall not be included in directory
16 information.

17 (5) IDENTIFICATION. The providing of directory and
18 accreditation information to the State Board of Education by
19 nonpublic and virtual schools serving Alabama students in
20 grades K-12, or any combination thereof. Church schools are
21 not required, but may elect to provide directory information
22 and are not required, but may elect to provide evidence of
23 accreditation.

24 (6) NONPUBLIC SCHOOL. Any school that offers
25 instruction in grades K-12, or any combination thereof,
26 including preschool, through on-site or home programs, that is
27 not operated by or an agency of any government entity.

1 (7) PAROCHIAL SCHOOL. A nonpublic school that offers
2 instruction in grades K-12, or any combination thereof,
3 including preschool, through on-site or home programs, that is
4 operated by or affiliated with a church or religious
5 organization and may be a part of a system of other parochial
6 schools. A parochial school may also classify itself as a
7 church school.

8 (8) PRIVATE SCHOOL. Includes only nonpublic schools
9 properly identified by the State Superintendent of Education.

10 (9) RELIGIOUS SCHOOL. A nonpublic school
11 incorporated as a nonprofit corporation with its primary
12 purpose as a religious school that offers instruction in
13 grades K-12, or any combination thereof, including preschool,
14 through on-site or home programs and that has been awarded tax
15 exempt status by the Internal Revenue Service pursuant to 26
16 U.S.C. § 501 (c) (3).

17 (10) SCHOOL. Any person, group of people,
18 institution, establishment, agency, or organization offering
19 or administering a plan, course, or program of instruction,
20 except the teaching of private lessons of instruction on a
21 singular subject, unless otherwise provided by law.

22 (11) VIRTUAL SCHOOL. Includes only such schools, not
23 under the direct governance of a public local board of
24 education, that offer instruction in grades K-12, or any
25 combination thereof, and are operated remotely by mail, by
26 correspondence, or other electronic methods. A virtual school
27 shall not include a virtual or electronic course or program

1 provided through or by, or pursuant to the governance of a
2 public or nonpublic school operating in this state.

3 Section 2. Nonpublic schools that cease operations
4 shall place the student academic, attendance, and financial
5 aid records in the office of the appropriate school
6 administrator where a repository shall exist to safeguard and
7 to make available the records to authorized persons upon
8 request as follows:

9 (1) Schools which merge, consolidate, or undergo
10 change of ownership shall deposit with the continuing school.

11 (2) Schools which are part of a system,
12 organization, franchise, or a ministry of a local church or a
13 group of churches shall deposit with the administrative office
14 thereof if the system, organization, franchise, or ministry is
15 to remain in operation.

16 (3) Elementary and secondary schools without system
17 support shall deposit with the superintendent of the public
18 county or city school system within whose district the school
19 is located.

20 Section 3. (a) A parent or guardian has the right to
21 choose the method of education for his or her child or
22 children whether church, religious, parochial, private,
23 public, or private tutor, and nothing contained in this act
24 shall be interpreted or construed to authorize the department
25 or any agency of the state to license or regulate nonpublic
26 schools, including any church, parochial, religious or private
27 school. Nonpublic schools or institutions of any kind having a

1 school in connection therewith, and virtual schools, shall
2 identify annually on or before August 31st with the
3 department, except that church schools are not required, but
4 may elect to identify with the department.

5 (1) Nonpublic schools, but not church schools, shall
6 provide to the State Superintendent of Education all of the
7 following:

8 a. Directory information of the school.

9 b. Official accreditation status of the school.

10 c. Attestation of compliance with the Child
11 Protection Act of 1999 and the Alabama compulsory attendance
12 laws.

13 (2) Church schools electing to identify with the
14 department shall provide to the State Superintendent of
15 Education all of the following:

16 a. Directory information of the school.

17 b. Attestation of compliance with the Child
18 Protection Act of 1999 and the Alabama compulsory attendance
19 laws.

20 (3) Virtual schools shall identify to the State
21 Superintendent of Education the following:

22 a. Directory information of the school.

23 b. Official accreditation status of the virtual
24 school.

25 c. In the event the virtual school is based outside
26 the state, the name and contact information, including
27 physical address and mailing address, phone number and email

1 address of an agent identified and authorized by the virtual
2 school to represent the virtual school in grievance matters
3 against the virtual school. The identified agent must hold his
4 or her place of residence as the in the state of Alabama.

5 d. Virtual schools that are removed from the
6 identified list of virtual schools by the department because
7 the institution or authorized agent thereof solicits or
8 enrolls students or administers instruction through fraud,
9 deception, or misrepresentation of their identified
10 information may be subject to suspension, probation or
11 revocation of operating privileges within the state.

12 (b) No K-12 nonpublic private school or virtual
13 school, except for church schools, shall operate within this
14 state unless the school has first identified with the
15 department. There shall be no cost by the department to a
16 nonpublic school to identify with the department.

17 (c) The providing of identification of a K-12 school
18 or virtual school shall be made on forms furnished by the
19 department.

20 (d) Nonpublic schools domiciled outside of the state
21 shall designate a state agent who is a resident of this state
22 to service all complaints against the school.

23 (e) The department may remove any school from the
24 identified list of nonpublic and virtual schools if the
25 identified institution or authorized agent thereof solicits or
26 enrolls students or administers instruction through fraud,

1 deception, or misrepresentation of their identified
2 information.

3 (f) Identification may not be advertised by any
4 nonpublic school as an endorsement or recommendation by the
5 department, and may not be represented by the department as an
6 endorsement or recommendation of any identified nonpublic
7 school.

8 (g) The department shall annually publish a list of
9 identified nonpublic schools and virtual schools that operate
10 in the state. The department shall include with the published
11 list of identified nonpublic schools a disclaimer that the
12 department does not endorse, authorize or otherwise approve of
13 the nonpublic schools identified on the department's list, and
14 that the identified list in no way disparages or disapproves
15 of any school that does not elect to identify with the
16 department.

17 (h) There shall be no fee, penalty or disparate
18 treatment whatsoever for any church school that does not elect
19 to identify with the department.

20 Section 4. (a) Local public school boards of
21 education shall accept credits and coursework from identified
22 nonpublic schools in the same manner as for public schools.

23 (b) The department and local public school officials
24 shall accept students who transfer to public schools from an
25 identified nonpublic schools in the same manner as students
26 transferring from public schools, without penalty or disparate
27 treatment on the basis of the nonpublic school attendance.

1 (c) Notwithstanding any other provision of law, if a
2 student, parent or guardian believes that the final result of
3 the efforts or decision by school officials for the placement
4 of a nonpublic school student in a public school is improper
5 or inequitable, the student parent or guardian shall have the
6 right to a de novo review by the circuit court in the circuit
7 where the public school is located, and the decision of the
8 circuit court shall be determinative of the placement.

9 Section 5. The department and the boards of
10 education of every political subdivision and municipality
11 shall recognize all accrediting and affiliated or related
12 accrediting agencies of primary and secondary schools, whether
13 public or nonpublic, that are recognized by the United States
14 Department of Education. No nonpublic school shall be required
15 to be accredited for any reason, including for any provision
16 of this act.

17 Section 6. Throughout the compulsory attendance
18 period, the principal teacher of each private school, and each
19 private tutor, shall report to the local superintendent of
20 education the names and addresses of all children of mandatory
21 school attendance age enrolled in the school who are in
22 violation of state compulsory attendance laws. The enrollment
23 and attendance of a child in a church school shall be filed at
24 the time of enrollment with the local superintendent of
25 education by the parent, guardian, or other person in charge
26 or control of the child on a form countersigned by the
27 administrator of the church school and returned to the local

1 superintendent of education by the parent. Should a child
2 cease attendance at a church school, the parent, guardian, or
3 other person in charge or control of the child, by prior
4 consent at the time of enrollment, shall direct the church
5 school to notify the local superintendent of education, or his
6 or her agent, that the child no longer is in attendance at the
7 church school.

8 Section 7. (a) Any student who graduated from a
9 secondary nonpublic school prior to the effective date of this
10 act, who serves or has served honorably in the United States
11 Military, shall not be denied admission to any public
12 postsecondary institution or program, including the Alabama
13 Fire College and any police academy, or denied employment by
14 the State of Alabama, any political subdivision thereof, or
15 any municipality, based solely on the accreditation status of
16 the nonpublic school from which he or she graduated.

17 (b) Students who have graduated from an accredited
18 or nonaccredited secondary nonpublic school who are seeking
19 admission to a public postsecondary institution or program
20 requiring a high school diploma shall not be required to also
21 take the General Education Development (GED) unless the
22 required minimum entrance examination test score is not met.

23 (c) Any student who graduated from a nonpublic
24 school, whether it is accredited or not accredited, and who
25 otherwise meets entrance requirements, shall be eligible for
26 admission to the Alabama Fire College or any police academy.

1 Section 8. No public two-year or four-year
2 institution of higher education in the state may deny
3 admission to, or otherwise discriminate against an otherwise
4 qualified student based on the consideration, whether in whole
5 or in part, that the student attended an identified nonpublic
6 school.

7 Section 9. All laws or parts of laws which conflict
8 with this act are repealed, and specifically Sections 16-28-1
9 and 16-28-7, Code of Alabama 1975, relating to definitions and
10 reports of enrollment under the school attendance laws of the
11 state, are repealed.

12 Section 10. This act shall become effective on the
13 first day of the third month following its passage and
14 approval by the Governor, or its otherwise becoming law.