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3 SENATE EDUCATION AND YOUTH AFFAIRS COMMITTEE SUBSTITUTE FOR
4 SB229

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9 SYNOPSIS: Under existing law, each local board of
10 education is required to adopt a virtual education
11 option for students in grades nine to 12.

12 This bill would clarify existing law and
13 provide additional guidance for the local school
14 system providing a virtual school program and the
15 local school of residence of the student enrolled
16 in the program to use in determining the
17 distribution of state and federal funds to the
18 local school systems involved.

19
20 A BILL
21 TO BE ENTITLED
22 AN ACT
23

24 To amend Section 2 of Act 2015-89 of the 2015
25 Regular Session, now appearing as Section 16-46A-2, Code of
26 Alabama 1975, relating to virtual schools, to clarify existing

1 law and provide additional guidance for the local school
2 system providing a virtual school program and the local school
3 of residence of the student enrolled in the program to use in
4 determining the distribution of state and federal funds to the
5 local school systems involved.

6 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

7 Section 1. To amend Section 2 of Act 2015-89 of the
8 2015 Regular Session, now appearing as Section 16-46A-2, Code
9 of Alabama 1975, is amended to read as follows:

10 "§16-46A-2.

11 "(a) A ~~full-time~~ student enrolled full time in a
12 virtual program shall be enrolled and counted in the average
13 daily membership of the local school in which the virtual
14 program is offered, participate in state testing and
15 accountability requirements through the local school system in
16 which the student is enrolled, and, upon satisfying the
17 graduation requirements of the local board of education,
18 receive a diploma from the local school system where enrolled.

19 "(b) (1) Any provision of this chapter to the
20 contrary notwithstanding, a student enrolled in a virtual
21 school program offered by ~~his or her~~ the local school system
22 where he or she resides shall be treated as if he or she is
23 attending ~~his or her~~ the local school in the attendance zone
24 in which ~~they reside~~ he or she resides for purposes of
25 participating in extracurricular activities and shall be
26 subject to the same requirements, including Alabama High

1 School Athletic Association rules, imposed on a traditional
2 public school student enrolled in the traditional public
3 school. In addition, ~~if local board of education policy~~
4 ~~permits inter-system transfer for all students,~~ a student who
5 is enrolled under this policy in a full-time virtual school
6 program in a school system other than the local school system
7 in which he or she resides pursuant to an interdistrict
8 transfer shall be treated as if he or she is attending his or
9 her local school of record in the attendance zone in which he
10 or she resides for the purposes of participating in
11 extracurricular activities and shall be subject to the same
12 requirements, including Alabama High School Athletic
13 Association rules, imposed on a traditional public school
14 student enrolled in the traditional public school.

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

22 "(3)a. Each student enrolled full-time in a
23 full-time virtual program shall be counted in the average
24 daily membership of the local school in which the virtual
25 program is offered, regardless of the attendance zone where
26 the student resides.

1 "b. Each student enrolled full-time in a full-time
2 virtual program shall be counted in the average daily
3 membership of the local school in which the virtual program is
4 offered to the same extent that a traditional student would be
5 counted at the school.

6 "c. With respect to the Foundation Program and other
7 public school Education Trust Fund appropriations, each local
8 board of education with a full-time virtual program shall
9 receive the same amount of state funds that would otherwise be
10 allocated as if the full-time students of the local board of
11 education enrolled in its virtual program were students
12 engaged in the traditional delivery of instruction.

13 "d. The department shall direct the proportionate
14 share of monies generated under federal and state categorical
15 aid programs to school districts providing a full-time virtual
16 school program and serving students eligible for that aid.

17 "e. The department shall also pay directly to the
18 local school system providing the full-time virtual school
19 program, any federal or state aid attributable to a student
20 with a disability who is enrolled full-time in the full-time
21 virtual school program.

22 "f. Where applicable, payments shall reflect the
23 status of each student according to grade level, economic
24 disadvantage, limited English proficiency, and special
25 education needs.

1 "g. Any provision of law to the contrary
2 notwithstanding, if a locally enacted revenue measure would
3 not otherwise allocate any funding to a school system, then no
4 funds from the local measure shall be allocated to that system
5 due to its enrollment of students full-time in its full-time
6 virtual program that reside in an attendance zone outside of
7 that system, unless otherwise agreed by the board of education
8 operating the system and the board of education operating the
9 school in the attendance zone in which the student resides.

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

12 "1. A student enrolls full time in the full-time
13 virtual program of a local school system that is outside of
14 the local school system where the student resides.

15 "2. The student does not regularly and physically
16 visit the facilities or meet with personnel of the local
17 school system that is outside of the local school system where
18 the student resides.

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

23 "b. Then, the student shall continue to be treated
24 as fully enrolled in the local school system that is outside
25 of the local school system where the student resides, and the
26 student shall be counted in the average daily membership of

1 both local school systems at the following rates: 83 percent
2 for the local school system where the student is enrolled and
3 17 percent for the local school system where the student
4 resides.

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

10 "(5) If a student enrolls full-time in the full-time
11 virtual program of a local school system that is outside of
12 the local school system where the student resides, the two
13 local school systems may enter into a written contract
14 specifying any of the following:

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

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

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

21 "(c) A board of education shall be exempt from any
22 provision of general law, local law, or administrative rule
23 that applies to the traditional delivery of instruction
24 including, but not limited to, requirements relating to the
25 physical presence of a student, student monitoring and
26 security, staffing requirements, transportation obligations,

1 facility requirements, space and location requirements, time
2 requirements, and physical education requirements to the
3 extent any of the foregoing conflict with the delivery of the
4 virtual program.

5 "(d) A local board of education is not subject to
6 online course restrictions imposed by the State Department of
7 Education.

8 "(e) Any online course delivery that is not
9 supported by the State Department of Education shall be
10 accredited by an institution recognized pursuant to
11 administrative rule adopted by the department.

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

15 Section 2. This act shall become effective
16 immediately following its passage and approval by the
17 Governor, or its otherwise becoming law.