

ACT NO. 2012-402

1 HB588
2 136338-7
3 By Representatives Collins, Henry, Chesteen, Fincher, Scott,
4 Wallace, Beech, Williams (P), Mask, Buttram, Ball, Weaver,
5 Greer, Treadaway and Williams (D)
6 RFD: Education Policy
7 First Read: 20-MAR-12



1
2 ENROLLED, An Act,

3 Relating to public K-12 education; to require the
4 State Superintendent of Education to develop a school grading
5 system reflective of school and district performance; and to
6 create the Legislative School Performance Recognition Program.
7 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

8 Section 1. (a) Just as there is value in assigning
9 grades that reflect the performance of public school students
10 in Alabama, the Legislature finds that there is also value in
11 assigning grades that reflect the performance of the public
12 schools attended by public school students in Alabama. The
13 Legislature further finds that an easy to understand school
14 grading system would best serve the interests of the public as
15 a whole, and specifically the parents and guardians of public
16 school students, by providing another transparent layer of
17 accountability for the public dollars allocated to elementary
18 and secondary education in the state.

19 (2) The Legislature also finds that there is a need
20 for a program to reward public K-12 schools in Alabama that
21 demonstrate high achievement. The Legislature further finds
22 that performance-based incentives and increased autonomy are
23 commonplace in the private sector and should be infused into
24 the public sector as a reward for productivity.

1 Section 2. (a) In addition to any other labels or
2 designations assigned to public schools and public school
3 districts pursuant to a federal, state, school, district, or
4 other assessment or accountability system, the State
5 Superintendent of Education, consistent with the provisions of
6 this act, shall develop a school grading system reflective of
7 school and district performance. The grading system shall
8 utilize the traditional A, B, C, D, or F framework.

9 (1) Schools receiving a grade of "A" are making
10 excellent progress.

11 (2) Schools receiving a grade of "B" are making
12 above average progress.

13 (3) Schools receiving a grade of "C" are making
14 satisfactory progress.

15 (4) Schools receiving a grade of "D" are making less
16 than satisfactory progress.

17 (5) Schools receiving a grade of "F" are failing to
18 make adequate progress.

19 (b) In developing this school grading system, the
20 State Superintendent of Education shall seek input from
21 parents, teachers, school administrators, existing State
22 Department of Education advisory groups or task forces, and
23 other education stakeholders on how the system can properly
24 reflect not only the overall academic proficiency of each
25 public school but also the academic improvements made by each

1 public school, along with other key performance indicators
2 that give a total profile of the school or the school system,
3 or both.

4 (c) The State Superintendent of Education shall
5 prescribe the design and content of the school grading system
6 by not later than December 31, 2012. It is the intent of the
7 Legislature that the system be in place by not later than the
8 2013-2014 school year. The system may not be utilized by the
9 State Superintendent of Education or the State Department of
10 Education until sufficient rules have been promulgated by the
11 State Department of Education pursuant to the Alabama
12 Administrative Procedure Act.

13 (d) Using an easy to understand grading scale, the
14 school grading system shall describe achievement in the state,
15 each district, and each school. Additionally, the State
16 Superintendent of Education shall not be precluded from also
17 assigning grades to school feeder patterns or grades that
18 reflect the fiscal health and fiscal efficiency of a school or
19 school system.

20 (e) The State Superintendent of Education shall make
21 these grades available to the general public, and shall post
22 these grades on the website of the State Department of
23 Education as soon as the grades are available. Additionally,
24 appropriate grade information shall be delivered to the parent
25 or guardian of each public school student at least once

1 annually in the same manner that student report cards are
2 currently delivered.

3 (f) Using state-authorized assessments and other key
4 performance indicators that give a total profile of the school
5 or the school system, or both, a school's grade, at a minimum,
6 shall be based on a combination of student achievement scores,
7 achievement gap, college and career readiness, learning gains,
8 and other indicators as determined by the State Superintendent
9 of Education to impact student learning and success. The
10 school grading system shall be consistently applied so that
11 grades of one school or system may be compared to the grades
12 of any other school or system.

13 Section 3. (a) The Legislative School Performance
14 Recognition Program is created within the State Department of
15 Education to reward public schools that either:

16 (1) Demonstrate high performance by being ranked in
17 the top 25 percent of public schools, as ranked in the school
18 grading system created in Section 2.

19 (2) Demonstrate exemplary progress by improving the
20 overall annual ranking of the school by at least one letter
21 grade, as ranked in the school grading system created in
22 Section 2.

23 (b) All public schools that are ranked in the school
24 grading system created in Section 2 are eligible to
25 participate in the program.

1 (c) The State Superintendent of Education shall
2 prescribe guidelines for how the program shall be administered
3 and implemented by not later than December 31, 2013, but the
4 program may not be implemented by the State Superintendent of
5 Education or the State Department of Education until both of
6 the following have occurred:

7 (1) Rules governing how the program is to be
8 administered and implemented have been promulgated by the
9 State Department of Education pursuant to the Alabama
10 Administrative Procedure Act.

11 (2) The school grading system created in Section 2
12 is in its second academic year of implementation.

13 (d) In developing the program, the State
14 Superintendent of Education shall seek input from parents,
15 teachers, school administrators, existing State Department of
16 Education advisory groups or task forces, and other education
17 stakeholders on how the program may properly reflect not only
18 the overall academic proficiency of each public school but
19 also the academic improvements made by each public school.

20 (e) Selected schools shall receive financial awards
21 depending on the availability of funds appropriated by the
22 Legislature to the program. The State Superintendent of
23 Education shall distribute funds to eligible schools on a
24 competitive basis based on the criteria set forth in this
25 section as well as in the rules governing how the program is

1 to be administered and implemented. When funds are awarded,
2 the State Superintendent of Education may award no more than
3 20 percent of the total appropriation to those schools
4 eligible for an award pursuant to subdivision (1) of
5 subsection (a) of this section. Any remaining amounts shall be
6 awarded to those schools eligible for an award pursuant to
7 subdivision (2) of subsection (a) of this section. No school
8 may be eligible for an award pursuant to both subdivision (1)
9 and subdivision (2) of subsection (a) of this section at the
10 same time.

11 (f) Subject to the rules governing how the program
12 is to be administered and implemented, a school eligible for
13 an award pursuant to subdivision (1) or subdivision (2) of
14 subsection (a) of this section shall be exempt from any
15 statute or regulation related to the prescribed use of funds
16 at the school level, or any categorical spending requirements
17 imposed through the appropriation of funds from the state,
18 except those requirements associated with the receipt of
19 federal funds. A school eligible for an award pursuant to
20 subdivision (1) or subdivision (2) of subsection (a) of this
21 section shall be eligible for the flexibility provided by this
22 subsection regardless of whether the school receives a
23 financial award as contemplated by subsection (e) of this
24 section.

1 (g) A list of schools eligible for an award pursuant
2 to subdivision (1) or subdivision (2) of subsection (a) of
3 this section shall be annually posted by the State
4 Superintendent of Education on the website of the department.

5 Section 4. If any part of this law is declared
6 invalid or unconstitutional, that declaration shall not affect
7 the part which remains.

8 Section 5. This act shall become effective
9 immediately upon its passage and approval by the Governor, or
10 its otherwise becoming law.

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Speaker of the House of Representatives

Ray Ivey

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in
and was passed by the House 19-APR-12.

Greg Pappas
Clerk

Senate

08-MAY-12

Amended and Passed

House

09-MAY-12

Concurred in Sen-
ate Amendment

APPROVED *May 15, 2012*

TIME *7:30 am*

Robert Bentley

GOVERNOR

Alabama Secretary Of State

Act Num....: 2012-402
Bill Num...: H-588

Recv'd 05/16/12 09:01amSLF

NSOR

Tolliver

SPONSORS

- Henry 28
- W. Scott 29
- W. Greer 30
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HOUSE ACTION

DATE: 3-20 2012

RD 1 RFD: CR

REPORT OF STANDING COMMITTEE

This bill having been referred by the House to its standing committee on Education Policy was acted upon by such committee in session, and returned therefrom to the House with the recommendation that it be Passed w/amend(s) 0 w/sub 0 this 5th day of April, 20 12.
W. Greer, Chairperson

DATE: 4-5 2012

RD 2 CAL

DATE: 20

RE-REFERRED RE-COMMITTED

Committee

I hereby certify that the Resolution as required in Section C of Act No. 81-889 was adopted and is attached to the Bill,
 HB 588,
 YEARS 91 NAYS 5

GREG PAPPAS,
 Clerk

FURTHER HOUSE ACTION (OVER)

SENATE ACTION

DATE: 4-24 2012

RD 1 RFD: Ed

This Bill was referred to the Standing Committee of the Senate on EDUCATION and was acted upon by such Committee in session and is by order of the Committee returned therefrom with a favorable report w/amd(s) 1 w/eng sub by a vote of 9 yeas 0 nays 0 abstain 0 this 2nd day of May, 20 12.
Patrick Harris, Chairperson

DATE: 5-3 20

RD 2 CAL

I hereby certify that the Resolution as required in Section C of Act No. 81-889 was adopted and is attached to the Bill,
 HB 588,
 YEARS 22 NAYS 1 Abs

PATRICK HARRIS,
 Secretary

DATE: 5-8-12 RD 3 at length

PASSED PASSED AS AMENDED

YEAS 33 NAYS 0

And was ordered returned forthwith to the House.

PATRICK HARRIS,
 Secretary

DATE: 20

INDEFINITELY POSTPONED YEARS NAYS

DATE: 20

RECONSIDERED YEARS NAYS

FURTHER SENATE ACTION (OVER)

ADDITIONAL SIGNATURES OF CO-SPONSORS

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HOUSE ACTION
(Continued)

HOUSE OF REPRESENTATIVES
 R 3 of length and passed
 Yeas 87 Nays 0 Abs 0
 Date 4/19/12

GREG PAPPAS, Clerk

SENATE ACTION
(Continued)

This bill having been referred to the Comm Rules pursuant to Senate Rule 23 is reported to the Senate for assignment to the Committee on _____

This _____ day of _____, 20____

Signed (Committee Chairperson) _____

Date: _____

Referred

Committee _____

DATE: _____

RE-REFERRED RE-COMMITTED

Committee _____

This Bill was referred to the Standing Committee on _____ the Senate on _____

and was acted upon by such Committee session and is by order of the Committee returned therefrom with a favorable report w/amd(s) _____ w/sub _____ w/leng sub _____ by a vote of _____

yeas _____ nays _____ abstain _____ this _____ day of _____ 20____

_____, Chairperson

DATE: _____

RF CAL