

November 2022

Alabama Accountability Act

Talking Points

Failing Schools:

Per the Alabama Accountability Act, “Failing Schools” are the **bottom 6%** of public Alabama schools based on the state’s standardized assessments in **English language arts (ELA)** and **math**.

Current law does NOT include schools that exclusively serve **special populations**. Current law also does NOT automatically include schools receiving **School Improvement Grants (SIG)**.

The list provided by the State Department of Education provides the **System Code, System Name, School Code, and School Name**.

Notification of Choice:

Notification to parents of children enrolled in an Alabama public school designated as a failing school, or scheduled to enroll in a failing school as defined above, will be provided no later than **April 7, 2023**, that will outline the options parents may pursue related to School Choice as follows:

- a. **Option 1** – The student may remain or enroll in the assigned school.
- b. **Option 2** – The student may transfer to a comparable school that is not included on the annual list of “failing schools” within the same local school system that has available space and is willing to accept the student.
- c. **Option 3** – If the local system has not made Option 2 available, the student may transfer to a comparable school that is not included on the annual list of “failing schools” within another Alabama local school system that has available space and is willing to accept the student.
- d. **Option 4** – The student may transfer to a qualifying non-public Alabama school that is willing to accept the student.

Transfer Process

- a. Parents choosing any of the four applicable options for transfer must complete the required **Notice of Transfer** and submit it to the local superintendent by **May 5, 2023**, for the 2023-2024 school year.
- b. The **Notice of Transfer** must include verification from the school administrator of the school where the student is transferring.
- c. Eligibility for tax credit remains for a student who transferred under a previously designated school until the highest grade in which a student would have otherwise remained at that school.

Transportation

- a. Transportation services for students who transfer from a failing school to another non-failing school within the same system remain the responsibility of the Local Education Agency (LEA).
- b. Transportation costs for students who transfer from a failing school to a non-failing school in another LEA or a non-public school become the responsibility of the parent.

Student Assessment

Students who transfer from a failing school to a non-failing public or qualifying non-public school and participate in the tax credit and/or scholarship program must participate in the approved statewide student assessment program or a nationally norm-referenced test that measures comparable content standards in math and language arts for accountability reporting.

Students with Disabilities

- a. Students with disabilities who transfer to a non-failing school within the same district remain eligible for services as outlined in the current Individualized Education Plan (IEP).
- b. Students with disabilities who transfer to a non-failing school within another public school system remain eligible for services as outlined in the current Individualized Education Plan (IEP). The receiving LEA may convene an IEP team meeting to make any revisions to the IEP based on the needs of the student within the new environment.
- c. Students with disabilities who transfer to a non-public school will be eligible for the equitable services provided to non-public school students contained in the LEA Non-Public School Special Education Services Plan.

Qualifying Non-Public School

- a. A qualifying non-public school does not include schools that provide educational services through homeschools or on-line courses.
- b. A qualifying non-public school must meet the requirements to participate in the scholarship program authorized by the Alabama Accountability Act of 2015-434.
- c. A qualifying non-public school must be accredited by one of the six regional accrediting agencies recognized by the Alabama State Board of Education or meet all the conditions for a qualifying school provided by the Alabama Accountability Act of 2015-434.