

**SB311 INTRODUCED**



1 SB311  
2 UPLZGXD-1  
3 By Senators Kitchens, Chesteen, Gudger, Butler, Kelley,  
4 Livingston  
5 RFD: Education Policy  
6 First Read: 09-Apr-24



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SYNOPSIS:

Under existing law, public K-12 schools are annually assigned a grade based on school and district performance.

This bill would exclude the academic performance of students who transfer into a public school from a nonpublic school from consideration when assigning a grade to a school or school district for the first three years of enrollment of the transferring student.

A BILL  
TO BE ENTITLED  
AN ACT

Relating to public K-12 education and the school report card; to amend Section 16-6C-2, Code of Alabama 1975, to exclude the academic achievement of any student who transfers into a public school from a nonpublic school from being considered in assigning the annual grade to a school or school district for the first three years of enrollment of the transferring student.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 16-6C-2, Code of Alabama 1975, is amended to read as follows:



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29           "§16-6C-2

30           (a) In addition to any other labels or designations  
31 assigned to public schools and public school districts  
32 pursuant to a federal, state, school, district, or other  
33 assessment or accountability system, the State Superintendent  
34 of Education, consistent with this chapter, shall develop a  
35 school grading system reflective of school and district  
36 performance. The grading system shall utilize the traditional  
37 A, B, C, D, or F framework.

38           (1) Schools receiving a grade of "A" are making  
39 excellent progress.

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

42           (3) Schools receiving a grade of "C" are making  
43 satisfactory progress.

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

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

48           (b) In developing this school grading system, the State  
49 Superintendent of Education shall seek input from parents,  
50 teachers, school administrators, existing State Department of  
51 Education advisory groups or task forces, and other education  
52 stakeholders on how the system can properly reflect not only  
53 the overall academic proficiency of each public school but  
54 also the academic improvements made by each public school,  
55 along with other key performance indicators that give a total  
56 profile of the school or the school system, or both.



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57 (c) The State Superintendent of Education shall  
58 prescribe the design and content of the school grading system  
59 by not later than December 31, 2012. It is the intent of the  
60 Legislature that the system be in place by no later than the  
61 2013-2014 school year. The system may not be utilized by the  
62 State Superintendent of Education or the State Department of  
63 Education until sufficient rules have been adopted by the  
64 State Board of Education pursuant to the Alabama  
65 Administrative Procedure Act.

66 (d) Using an easy to understand grading scale, the  
67 school grading system shall describe achievement in the state,  
68 each district, and each school. Additionally, the State  
69 Superintendent of Education shall not be precluded from also  
70 assigning grades to school feeder patterns or grades that  
71 reflect the fiscal health and fiscal efficiency of a school or  
72 school system.

73 (e) The State Superintendent of Education shall make  
74 these grades available to the general public and shall post  
75 these grades on the website of the State Department of  
76 Education as soon as the grades are available. Additionally,  
77 appropriate grade information shall be delivered to the parent  
78 or guardian of each public school student at least once  
79 annually in the same manner that student report cards are  
80 currently delivered.

81 (f) (1) Using state-authorized assessments and other key  
82 performance indicators that give a total profile of the school  
83 or the school system, or both, a school's grade, at a minimum,  
84 shall be based on a combination of student achievement scores,



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85 achievement gap, college and career readiness, learning gains,  
86 and other indicators as determined by the State Superintendent  
87 of Education to impact student learning and success.

88 (2)a. Commencing with the 2021-2022 school year, the  
89 academic achievement of each student identified as an English  
90 language learner, who has not shown proficiency on ACCESS for  
91 EL, or other ~~state-approved~~ state-approved English proficiency  
92 assessment, may not be considered in assigning an academic  
93 achievement grade to a school or school system for the first  
94 five years of enrollment of the student. The educational  
95 progress of each of these students shall continue to be  
96 measured in the academic growth category and the progress in  
97 English language proficiency category, and, at the end of the  
98 five-year period for the student, his or her proficiency shall  
99 again be considered in assigning an academic achievement grade  
100 to a school or school system on the state A-F school grading  
101 system.

102 b. Commencing with the 2024-2025 school year, the  
103 academic achievement of each student identified as a transfer  
104 student from a nonpublic school may not be considered in  
105 assigning an academic achievement grade to a school or school  
106 system for the first three years of enrollment of the transfer  
107 student. The educational progress of each of these transfer  
108 students shall continue to be measured in the academic growth  
109 category, and, beginning with the fourth year of enrollment of  
110 the transfer student, his or her academic achievement shall be  
111 considered in assigning an academic achievement grade to a  
112 school or school system on the state A-F school grading



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113 [system.](#)

114 (3) The State Superintendent of Education may not amend  
115 the state Every Student Succeeds Act option for including test  
116 scores of English language learners enrolled in United States  
117 schools. The option provides as follows: For the first year of  
118 enrollment, the test scores shall be reported, but the results  
119 on both the reading/language arts and math tests shall be  
120 excluded from the federal accountability system; for the  
121 second year of enrollment, a measure of student growth on both  
122 tests shall be included in the federal accountability system;  
123 and for the third year of enrollment, proficiency on both  
124 tests shall be included in the federal accountability system.  
125 Additionally, the option requires English language learners  
126 who have successfully left the English language learner  
127 subgroup by attaining English proficiency to be included in  
128 that subgroup for accountability purposes for four years.

129 (g) The A-F school grading system shall be consistently  
130 applied so that grades of one school or system may be compared  
131 to the grades of any other school or system."

132 Section 2. This act shall become effective on October  
133 1, 2024.