School Laws

Sonja Peaspanen February 7, 2023

Accessing Alabama Laws

- The Alabama Legislature
 - https://alison.legislature.state.al.us
 - Home
 - Alabama Constitution and Administrative Code
 - Alabama Constitution
 - Code of Alabama
 - Administrative Code

Code of Alabama

Search – if the specific law is unknown.

- View if you know what you're looking for.
 - □ Title 16 EDUCATION
 - Chapter 28 SCHOOL ATTENDANCE
 - Section 16-28-7 Report of enrollment.
 - Note the Legislative Act number is at the end of each section. This specific section shows Act 2014-245

| NONPROFIT ENTITIES CODE. | Chapter 26C ALABAMA EDUCATION FOUNDATION. |
|---|---|
| Title 11 COUNTIES AND MUNICIPAL CORPORATIONS. | Chapter 26D ALABAMA SCHOOL OF CYBER TECHNOLOGY AND ENGINEERING. |
| Title 12 COURTS. | Chapter 27 TRANSPORTATION OF PUPILS. |
| <u>Title 13A</u> CRIMINAL CODE. | Chapter 27A ALABAMA SCHOOL BUS SAFETY ACT. |
| Title 14 CRIMINAL CORRECTIONAL AND | Chapter 28 SCHOOL ATTENDANCE. |
| DETENTION FACILITIES. | Chapter 28A SCHOOL DISCIPLINE. |
| <u>Title 15</u> CRIMINAL PROCEDURE. | Chapter 28B STUDENT HARASSMENT PREVENTION ACT. |
| <u>Title 16</u> EDUCATION. | Chapter 29 MENTAL AND PHYSICAL EXAMINATIONS OF SCHOOL CHILDREN. |
| <u>Title 17</u> ELECTIONS. | Chapter 30 IMMUNIZATION OF SCHOOL CHILDREN. |
| <u>Title 18</u> EMINENT DOMAIN. | Chapter 30A ALABAMA SAFE AT SCHOOLS ACT. |
| <u>Title 19</u> FIDUCIARIES AND TRUSTS. | <u>Chapter 30B</u> Alex Hoover Palliative and End of Life Care Act. |
| <u>Title 20</u> FOOD, DRUGS AND COSMETICS. | <u>Chapter 30C</u> Seizure Safe School Act. |
| Title 21 HANDICAPPED PERSONS. | Chapter 31 AMERICAN LEGION SCHOLARSHIPS. |
| <u>Title 22</u> HEALTH, MENTAL HEALTH, AND ENVIRONMENTAL CONTROL. | Chapter 32 STONEWALL JACKSON MEMORIAL FUND. |
| Title 23 HIGHWAYS, ROADS, BRIDGES AND | Chapter 33 EDUCATIONAL BENEFITS FOR DEPENDENTS OF BLIND PARENTS. |
| FERRIES. | Chapter 33A ALABAMA STUDENT GRANT PROGRAM. |
| <u>Title 24</u> HOUSING. | Chapter 33B ALABAMA GUARANTEED STUDENT LOAN PROGRAM. |
| <u>Title 25</u> INDUSTRIAL RELATIONS AND LABOR. | Chapter 33C WALLACE-FOLSOM PREPAID COLLEGE TUITION TRUST FUND. |
| <u>Title 26</u> INFANTS AND INCOMPETENTS. | Chapter 34 ILLITERACY. |
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NONPROFIT ENTITIES CODE.

<u>Title 11</u> COUNTIES AND MUNICIPAL CORPORATIONS.

Title 12 COURTS.

Title 13A CRIMINAL CODE.

Title 14 CRIMINAL CORRECTIONAL AND DETENTION FACILITIES.

Title 15 CRIMINAL PROCEDURE.

Title 16 EDUCATION.

<u>Title 17</u> ELECTIONS.

Title 18 EMINENT DOMAIN.

Title 19 FIDUCIARIES AND TRUSTS.

Title 20 FOOD, DRUGS AND COSMETICS.

Title 21 HANDICAPPED PERSONS.

<u>Title 22</u> HEALTH, MENTAL HEALTH, AND ENVIRONMENTAL CONTROL.

<u>Title 23</u> HIGHWAYS, ROADS, BRIDGES AND FERRIES.

Title 24 HOUSING.

<u>Title 25</u> INDUSTRIAL RELATIONS AND LABOR.

Title 26 INFANTS AND INCOMPETENTS.

· Article 1 General Provisions.

- o Section 16-28-1 Definitions.
- Section 16-28-2 Purposes of article.
- o Section 16-28-2.1 Adoption of standards for mandatory attendance policy; parents held accc
- o Section 16-28-2.2 Establishment of program by local boards to inform parents of educations
- o Section 16-28-3 Ages of children required to attend school; exemption for church school stu
- o Section 16-28-3.1 Guidelines and procedures for withdrawal from school; dropout preventic
- o Section 16-28-4 Minimum age at which child may enter.

Section 16-28-5 Private tutor.

- Section 16-28-6 Children exempt from attending public school.
- o Section 16-28-7 Report of enrollment.
- o Section 16-28-8 Reports required must be furnished.
- o Section 16-28-9 List of children who should attend school Required.
- o Section 16-28-10 List of children who should attend school How lists prepared.
- o Section 16-28-11 Enrollment report and list of potential students compared.
- Section 16-28-12 Person in loco parentis responsible for child's school attendance and behave policy, contents, annual distribution, receipt to be documented; school officials required to reattorneys vigorously to enforce provisions.
- o Section 16-28-13 Burden of proof on person in loco parentis.
- o Section 16-28-14 Habitual truant.
- o Section 16-28-15 Absence must be explained.
- o Section 16-28-16 Cases of nonenrollment and nonattendance; withdrawal of enrollment.
- o Section 16-28-17 When child may be taken into custody.
- Section 16-28-18 Record kept by attendance officer.
- Section 16-28-19 Attendance districts.
- o Section 16-28-20 Compensation of attendance officers.
- o Section 16-28-21 Juvenile court jurisdiction.
- o Section 16-28-22 Prosecutions.
- Section 16-28-23 Attendance register and rules and regulations as evidence.
- o Section 16-28-24 Church schools may waive exemptions specified in this article.
- Article 2 Conditioning of Driving Privileges upon School Attendance.
 - Section 16-28-40 License applicant under 19 to provide documentation of school enrollmen school; conviction for certain pistol offenses.
 - o Section 16-28-41 Written guidelines to be provided.
 - o Section 16-28-42 Adoption of regulations.
 - Section 16-28-43 Article not to deny rights of exceptional children.

Code of Alabama (cont.)

 Using the Search tool looks at the entire Code of Alabama not just the Laws of Alabama Relating to Education – Title 16.

 Instead, try searching through the descriptions of the sections at the beginning of the Title 16 Chapters.

Code of Alabama

- Students First (16-24C-1 to 14)
- Employee Leave Laws (16-1-18.1; 16-8-26)
- Catastrophic Sick Leave (16-22-9)
- Sick Leave Bank (16-22-9)
- Competitive Bid Law (16-13B)
 - Exceptions (16-13B-2)
 - Emergency Action (16-13B-3)

Code of Alabama

- Public Works Law (Title 39)
- School Property (16-8-12; 16-8-40; 16-11-11to14)
- Real Property Acquisition (9-15-100)

Acts of Alabama

- Sometimes a state law is referred to by its Act number. To locate an Act:
 - Go to the Alabama Secretary of State web site http://sos.alabama.gov
 - Records
 - Legislative Acts
 - Search by
 - Act Number
 - Bill Number
 - Description
 - Subject

Ethics Law

- Alabama Ethics Commission Website
 - www.ethics.alabama.gov
 - Advisory Opinions
 - Complaints
 - Statement of Economic Interest
 - Laws & Rules
 - FAQ

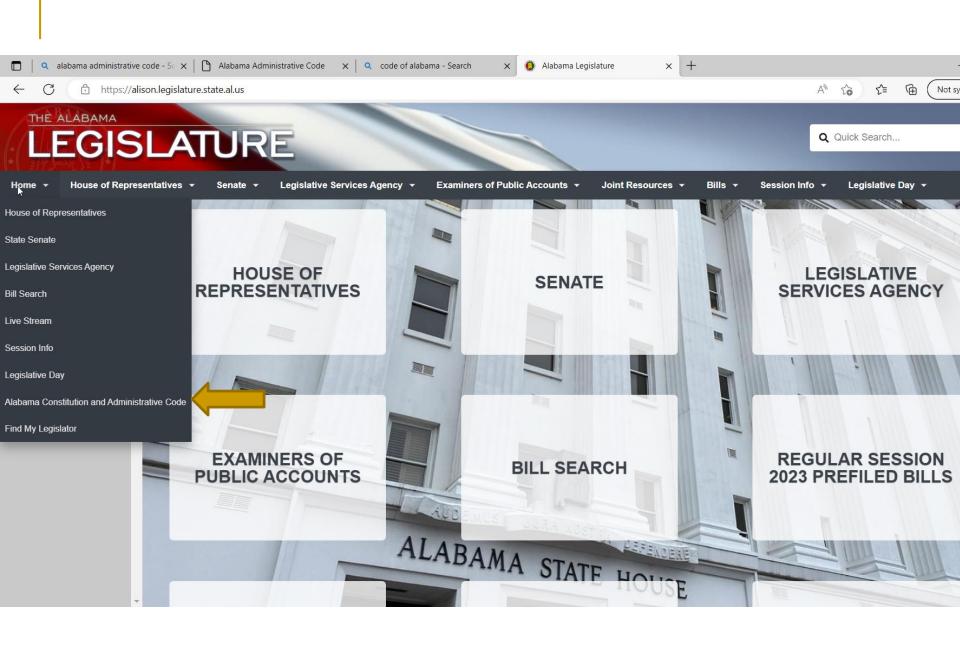
State Board of Education

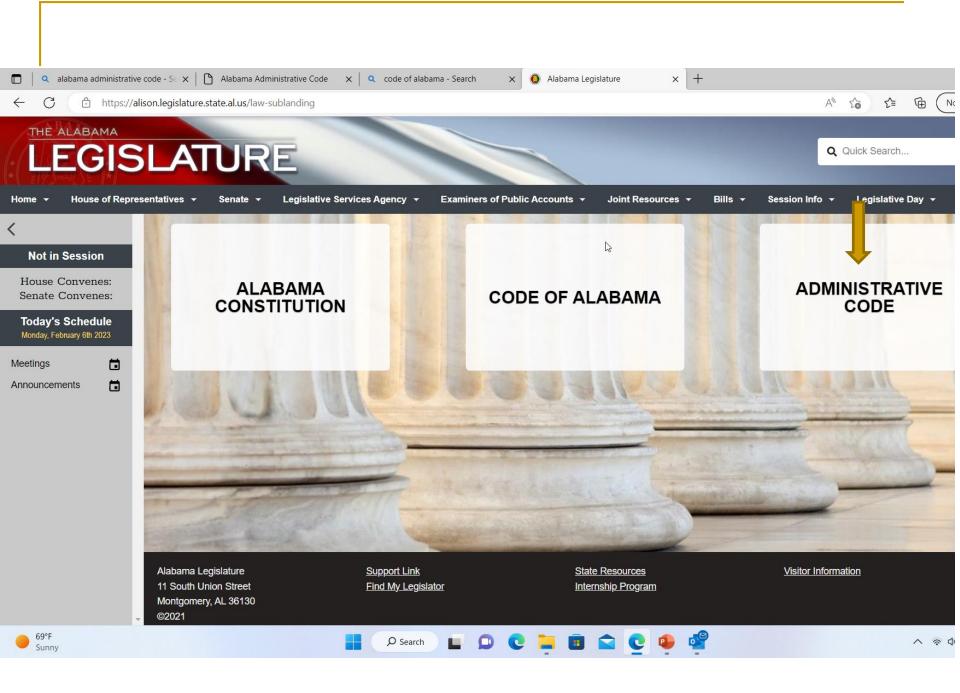
 The Board conducts investigations regarding the educational needs of Alabama and adopts rules for proper implementation.

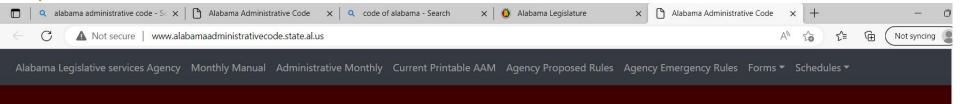
 The State Superintendent of Education enforces the state education laws and state board rules.

State Board of Education

The rules adopted by the Board as an Alabama Administrative Code Rule have the effect of state law.







Alabama Administrative Code



Select a title from the list

STATE BOARD OF EDUCATION

- CHAPTER 290-1-1 ORGANIZATION AND RULES OF PROCEDURE
- CHAPTER 290-010-030 ANNUAL REPORTS BY LOCAL BOARDS OF EDUCATION (REPEALED 10/24/97)
- CHAPTER 290-010-031 ANNUAL REPORTS BY LOCAL BOARDS OF EDUCATION (REPEALED 10/24/97)
- CHAPTER 290-030-040 REGULATORY SERVICES
- CHAPTER 290-040-040 AUDITS AND MANAGEMENT SERVICES
- CHAPTER 290-070-010 DIVISION OF REHABILITATION SERVICES
- CHAPTER 290-070-020 DIVISION OF REHABILITATION SERVICES
- CHAPTER 290-070-030 DIVISION OF REHABILITATION SERVICES
- CHAPTER 290-070-040 DIVISION OF REHABILITATION SERVICES
- CHAPTER 290-070-050 DIVISION OF REHABILITATION SERVICES EARLY INTERVENTION SERVICES SECTION
- CHAPTER 290-080-010 SPECIAL PROGRAMS I
- CHAPTER 290-080-020 SPECIAL PROGRAMS I
- CHAPTER 290-080-030 SPECIAL PROGRAMS I
- CHAPTER 290-080-040 SPECIAL PROGRAMS I
- CHAPTER 290-080-050 SPECIAL PROGRAMS I
- CHAPTER 290-080-060 SPECIAL PROGRAMS I
- CHAPTER 290-080-070 SPECIAL PROGRAMS I
- CHAPTER 290-080-080 SPECIAL PROGRAMS I
- CHAPTER 290-080-092 CATASTROPHIC TRUST FUND FOR SPECIAL EDUCATION
- CHAPTER 290-090-010 SPECIAL PROGRAMS II (REPEALED 10/24/97)
- CHAPTER 290-090-020 SPECIAL PROGRAMS II
- CHAPTER 290-1-2 REVIEW BY THE STATE SUPERINTENDENT OF EDUCATION OF ACTIONS BY COUNTY AND CITY BOARDS OF EDUCATION
- CHAPTER 290-1-4 PLANS BY LOCAL BOARDS OF EDUCATION
- CHAPTER 290-1-5 LOCAL SCHOOL BOARD GOVERNANCE
- CHAPTER 290-2-1 APPORTIONMENT OF FUNDS
- CHAPTER 290-2-2 SCHOOL FACILITIES
- CHAPTER 290-2-3 ALABAMA TEXTBOOK PROGRAM
- CHAPTER 290-2-4 TRANSPORTATION

290-080-92 Catastrophic Trust Fund for Special Education

- Purpose The Catastrophic Trust Fund for Special Education shall be administered by the ALSDE for the purpose of assisting LEAs in providing special education and related services to children & youth with disabilities in catastrophic cases.
- Forms Used
- Application for Grant
- Review & Approval Process
- Length of Grant
- Notification
- Reimbursement to Grantee
- Maintenance of Records

290-1-4 Plans by Local Boards of Education

- Capital Improvement
- Transportation
- Professional Development
- Technology
- Special Education
- At-Risk
- Career/Technical Education
- Federal Education Programs
- Other
- 16-13-231; 16-13-234

290-1-5 Local School Board Governance

- Established by the School Board Governance Improvement Act (#2012-221).
- Purpose Enhance the effectiveness of public education governance in Alabama:
 - Training requirements, stewardship standards, & accountability measures
 - Minimum qualifications
 - Code of Conduct
 - 16-3-11

290-1-5 Local School Board Governance

- 290-1-5-.04 Sanctioning Members of Local Board of Education
 - Fails to comply with the code of conduct or other statutory requirements
 - Neglect of duty or willful misconduct
- No sanction of a member of a local BOE may be imposed based on the exercise of personal, political, or other rights protected by the US Constitution or state or federal statute.

290-2-1 Apportionment of Funds

- Annual adjustments to the apportionment of funds to reflect changes in the ETF Appropriations Act
 - Foundation Program
 - Transportation
 - Public School Funds
 - At-Risk Funds

290-2-2 School Facilities

- Approval of Construction (or Renovation)
- Requirements for Public Schools
- Requirements to be Classified as an Approved Center
 - minimum requirements for a school to be an approved school site;
- School Site Requirements
 - minimum acreage requirements for school sites of different grade levels.
- 16-3-12; 16-3-14; 16-4-14

290-2-5 Chief School Finance Officers

- Standards for CSFO
- Duties and Responsibilities
- Qualifications
- Certification
- Performance Standards
- Requirements to Continue Certification
- 16-3-13

290-2-5 CSFO

- Duties & Responsibilities

- The CSFO is responsible for a financial management system that ensures the proper accountability for funds administered by a local board of education and its schools.
- The financial management system shall reflect the financial condition of the local board of education on a timely and accurate basis.
- The local board of education shall provide the resources necessary for the CSFO to operate an effective financial management system.

290-2-5 CSFO

- Duties & Responsibilities

- Accounting in accordance with GAAP & Governmental Accounting Standards.
- Payroll accounting in accordance with applicable laws & regulations.
- Prepare financial reports annually & as requested
- Adequate internal controls, including property & inventory
- Cash Management

290-2-5 CSFO

- Duties & Responsibilities

- Individual local school accounting
- Contracting & Purchasing procedures
- Annual Budget and Amendments
- Financial Operations of CNP and other special programs according to state & federal requirements
- Carry out assigned responsibilities in accordance with federal, state, and local laws and with applicable rules and regulations
- Other duties as assigned

290-3-6 Charter Schools

- Establishment of Public Charter Schools
- Definitions
 - Authorizer
 - Conversion Public Charter School
 - Governing Board
 - Start-up Public Charter School
- Guidelines for Public Charter Schools
- 16-4-7

290-4-1 Education Accountability

- Education Accountability (16-4-8; 16-6B-3 to 6)
 - Academic Assistance Program
 - Unsound Financial Condition
 - School Safety & Discipline
- Educational Intervention (16-3-11)
- Grading System for School Districts & Schools (16-3-11)
- Flexibility for Students in Failing Schools (16-3-11)
- Legislative School Performance Recognition Program (16-6C-3)

Attorney General Opinions

- Provide additional clarification of Alabama Law
- www.alabamaag.gov
 - Opinions
 - Search using Key Phrases

Attorney General Opinions

- Bonuses (88-00264)
- Raffle Opinion (89-00168)
- Meals for School Meetings (97-0270)
- Public Funds Refreshments (2001-129)
- Allowable Sick Leave (2014-020)
- Disposal of School Property (2008-101; 2013-008

Federal Laws

- Department of Labor
 - www.dol.gov
 - Agencies Wage & Hour Division
 - Employee of Independent Contractor Classifications
 - Family Medical Leave Act
 - Wage & Hour Guidance
- Code of Federal Regulations / EDGAR
 - Education Department General Administrative
 Regulations (EDGAR) and Other Applicable Grant
 Regulations
 - 2 CFR Part 200

QUESTIONS??