

1 SB44  
2 189260-1  
3 By Senator Coleman-Madison  
4 RFD: Education and Youth Affairs  
5 First Read: 09-JAN-18  
6 PFD: 01/03/2018

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8 SYNOPSIS: Under existing law, any incorporated  
9 municipality in the state with a population of  
10 5,000 or more may establish a city board of  
11 education.

12 This bill would increase the minimum  
13 population requirement from 5,000 to 25,000.

14 This bill would require the State Department  
15 of Education to determine the financial capability  
16 of a city to sustain a school system before the  
17 city could establish a city school system.

18 This bill would specify that these changes  
19 would not apply to cities that have met the  
20 inhabitant criteria under prior law and have  
21 executed a formal separation agreement with the  
22 county school system before the effective date of  
23 this amendatory act.

24 This bill would also require a financially  
25 capable proposed city school system to acquire or  
26 build its own school facilities, and would permit  
27 the city system to purchase existing school

1 facilities from the county for an amount that is  
2 agreed upon by both systems in the formal  
3 separation agreement.

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5 A BILL  
6 TO BE ENTITLED  
7 AN ACT

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9 To amend Section 16-11-1, Code of Alabama 1975,  
10 relating to city boards of education; to increase the minimum  
11 population requirement for establishing a city board of  
12 education from 5,000 to 25,000; to require the State  
13 Department of Education to determine whether a city is  
14 financially capable to sustain a school system before a city  
15 may establish a city school system; to provide certain  
16 exceptions; and to provide for the acquisition or purchase of  
17 school buildings by the financially capable city school  
18 system.

19 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

20 Section 1. Section 16-11-1 of the Code of Alabama  
21 1975, is amended to read as follows:

22 "§16-11-1.

23 "(a) A "city" within the meaning of this title shall  
24 include all incorporated municipalities of ~~5,000~~ 25,000 or  
25 more inhabitants, according to the last or any succeeding  
26 federal census, or according to the last or any succeeding

1 census taken under the provisions of Sections 11-47-90 through  
2 to 11-47-95, inclusive.

3 "(b) After the effective date of the act adding this  
4 amendatory language, a city school system may only be  
5 established in those cities that are determined by the State  
6 Department of Education to be financially capable of  
7 sustaining a city school system. The governing body of the  
8 city shall submit detailed financial information, as  
9 determined by the department, to the department. The  
10 department shall review and verify that information and shall  
11 provide a written response regarding the determination of the  
12 department to the governing body. Based upon, but not limited  
13 to, the financial information provided, the department shall  
14 determine each of the following:

15 "(1) Whether students included within the proposed  
16 city school system shall receive, at a minimum, the same  
17 amount of local per pupil expenditures as are expended per  
18 pupil in the applicable county school system.

19 "(2) Whether the per pupil expenditures of the  
20 applicable county school system may be adversely affected by  
21 the creation of a city school system.

22 "(c) If the department determines a city is  
23 financially capable to sustain a school system pursuant to  
24 subsection (b), the city may establish a city school system  
25 contingent upon the execution of a formal separation agreement  
26 between the city board of education and the county board of  
27 education.

1           "(d) Subsections (b) and (c) shall not apply to  
2 those cities that have satisfied the inhabitant criteria for  
3 establishing a city board of education as previously set forth  
4 in this section and have executed a formal separation  
5 agreement between the city board of education and the county  
6 board of education before the effective date of the act adding  
7 this amendatory language.

8           "(e) Any city that is determined by the department  
9 to be financially capable of sustaining a city school system  
10 shall be required to acquire or build its own school  
11 facilities for pupils within the system. A city may purchase  
12 existing school facilities from the county for an amount that  
13 is agreed upon by both systems in the formal separation  
14 agreement between the city board of education and the county  
15 board of education."

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