

ALABAMA STATE BOARD OF EDUCATION
STATE DEPARTMENT OF EDUCATION
ADMINISTRATIVE CODE

CHAPTER 290-3-1
PUBLIC SCHOOL GOVERNANCE

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290-3-1-.01 Short Title, Purpose, And Name Change.

(1) Short Title. This chapter shall be entitled Public School Governance and shall refer specifically to the Alabama Public School Governance.

(2) Purpose. The purpose of the Alabama Public School Governance is to provide governance guidelines for public schools in Alabama.

(3) Name Change. Effective September 1, 1998, Student Instructional Services shall be changed to Instructional Services in this chapter.

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Statutory Authority: Alabama Constitutional Amendment 284, Code of Ala. 1975, §§16-2-2, 16-3-11 through 12, 16-3-14, 16-26-1 through 3.

History: Amended March 27, 1975, repromulgated February 19, 1982, June 13, 1991. **Repealed and replaced:** effective July 25, 1991.

Repealed and replaced: Filed August 22, 1995; effective September 26, 1995. **Amended:** Filed August 14, 1998; effective September 18, 1998.

290-3-1-.02 Regulations Governing Public Schools.

(1) Safe School Equipment and Facilities, Laboratories, and Policies.

(a) Safety precautions must be implemented and adequate facilities must be provided for implementations of programs prescribed by SDE Bulletin(s).

(b) Effective with the 1995-96 school year and thereafter, local boards of education must:

1. Adopt a uniform policy allowing law enforcement agencies to make periodic visits to local public schools to detect the presence of illegal drugs, unannounced to anyone except the local superintendent and building principal.

2. Adopt a uniform policy prohibiting the use of tobacco products on school property and prescribing specific penalties for violating this policy.

3. Adopt and enforce a uniform policy prohibiting all persons, other than authorized law enforcement personnel, from bringing or possessing any deadly weapon or dangerous instrument on school property and prescribing specific penalties for students and school personnel who violate this policy, notwithstanding any criminal penalties which may also be imposed.

(c) Local school systems which operate alternative educational programs shall provide a curriculum that stresses skills in recognizing and managing anger, alternatives to aggression (verbal and physical assault), strategies for developing self-control and personal responsibility, skills for getting along with others, success through academic achievement, and skills for success in the workplace.

(d) All policies and actions implemented under these mandatory regulations affecting students with disabilities must comply with federal and state special education laws, regulations, and court rulings.

(e) Unsafe School Choice Option

1. Definitions: A transfer option school (TOS) in the state of Alabama is one in which for three (3) consecutive school years the school has expelled one percent (1%) of the student population or five (5) students (whichever is greater) for violent criminal offenses committed on school property during school hours or committed at school-sponsored activities. The words "transfer option school," "TOS," or "TOS school" shall mean a "persistently dangerous school" as those words are used in the No Child Left Behind Act of 2001, Public Law 107-110, Title IX, §9532(a) and (b). For

the purpose of this definition, a "violent criminal offense" shall mean homicide; robbery; assault in the first and/or second degree; sexual battery (including rape) as these offenses are defined in the Criminal Code of Alabama (see §13A-6-1, et. seq., Code of Ala. 1975); and use of a handgun, firearm component, explosive, knife, and other "unknown weapons" as defined by the Student Incident Report (SIR).

2. A student who becomes a victim of a violent criminal offense committed on school property during school hours or at school-sponsored activities shall be given an opportunity to transfer to a safe public school within the LEA. The LEA shall notify the student's parent/guardian of the right to transfer as soon as practicable, not to exceed ten (10) calendar days from the date of a final determination by the school board or its designee that a violent criminal offense has occurred. All LEA transfer procedures will be observed. It shall be the policy of the Alabama State Department of Education (SDE) to notify the LEA annually when one or more of its schools have been identified as a transfer option school. Each Superintendent or his or her designee shall orally notify the Prevention and Support Services Section of the State Department of Education within twenty-four (24) hours of the decision that a violent criminal offense has occurred, followed by written confirmation. The State Department of Education will assist the LEA in resolving all safety issues. At a minimum, an LEA that has one or more schools identified as persistently dangerous must:

(i) Step 1. Notify parents/guardians of each student attending the school within ten (10) working days that it has been identified as a transfer option school and offer students the opportunity to transfer to a safe public school within the LEA if another school is available.

(ii) Step 2. Complete the transfer for those students who opt to do so within 20 working days.

(iii) Step 3. Develop a corrective action plan to be submitted to the SDE for approval within 20 working days of the LEA's receipt of status.

(iv) Step 4. Implement the corrective action plan.

Once a school has been identified as a transfer option school, it can return to safe status by (1) completing Steps One through Four above and (2) completing two consecutive years with less than one percent (1%) of the student population or five (5) students (whichever is greater) expelled for violent criminal offenses as defined in its policy.

(f) Seclusion and Restraint for ALL Students.

1. Definitions.

(i) Chemical Restraint - Any medication that is used to control violent physical behavior or restrict the student's freedom of movement that is not a prescribed treatment for the student's medical or psychiatric condition. Use of chemical restraint is prohibited in Alabama public schools and educational programs.

(ii) Mechanical Restraint - The use of any device or material attached to or adjacent to a student's body that is intended to restrict the normal freedom of movement and which cannot be easily removed by the student. The term does not include an adaptive or protective device recommended by a physician or therapist when used as recommended by the physician or therapist to promote normative body positioning and physical functioning, and/or to prevent self injurious behavior. The term also does not include seatbelts and other safety equipment when used to secure students during transportation. Use of mechanical restraint is prohibited in Alabama public schools and educational programs.

(iii) Physical Restraint - Direct physical contact from an adult that prevents or significantly restricts a student's movement. The term physical restraint does not include mechanical restraint or chemical restraint. Additionally, physical restraint does not include: providing limited physical contact and/or redirection to promote student safety or prevent self-injurious behavior, providing physical guidance or prompting when teaching a skill, redirecting attention, providing guidance to a location, providing comfort, or providing limited physical contact as reasonably needed to prevent imminent destruction to school or another person's property.

(iv) Physical Restraint that restricts the flow of air to the student's lungs- Any method (face-down, face-up, or on your side) of physical restraint in which physical pressure is applied to the student's body that restricts the flow of air into the student's lungs. Use of this type of restraint is prohibited in Alabama public schools and educational programs.

(v) Seclusion - a procedure that isolates and confines the student in a separate, locked area until he or she is no longer an immediate danger to himself/herself or others. The seclusion occurs in a specifically constructed or designated room or space that is physically isolated from common areas and from which the student is physically prevented from leaving. Seclusion does not include

situations in which a staff member trained in the use of de-escalation techniques or restraint is physically present in the same unlocked room as the student, time-out as defined in paragraph (1.)(vi) of this rule, in-school suspension, detention, or a student-requested break in a different location in the room or in a separate room. Use of seclusion is prohibited in Alabama public schools and educational programs.

(vi) Time-out - A behavioral intervention in which the student is temporarily removed from the learning activity. Time-out is appropriately used when:

(I) The non-locking setting used for time-out is appropriately lighted, ventilated, and heated or cooled.

(II) The duration of the time-out is reasonable in light of the purpose of the time-out and the age of the child; however, each time-out should not exceed 45 minutes.

(III) The student is reasonably monitored by an attending adult who is in reasonable physical proximity of the student and has sight of the student while in time-out.

(IV) The time-out space is free of objects that unreasonably expose the student or others to harm.

2. Requirements.

(i) The use of seclusion is prohibited in Alabama public schools and educational programs.

(ii) The use of any method of physical restraint that restricts the flow of air to a student's lungs is prohibited in Alabama public schools and educational programs.

(iii) The use of mechanical restraint is prohibited in Alabama public schools and educational programs.

(iv) The use of chemical restraint is prohibited in Alabama public schools and educational programs.

(v) The use of physical restraint is prohibited in Alabama public schools and educational programs except in those situations in which the student is an immediate danger to himself or others and the student is not responsive to less intensive behavioral interventions including verbal directives or other de-escalation techniques. Notwithstanding the foregoing, physical

restraint is prohibited in Alabama public schools and educational programs when used as a form of discipline or punishment.

(vi) All physical restraint must be immediately terminated when the student is no longer an immediate danger to himself or others or if the student is observed to be in severe distress.

(vii) Schools and programs that use physical restraint in accordance with paragraph (2.) (v-xiv) of this rule must develop and implement written policies to govern the use of physical restraint. Parents must be provided information regarding the school or program's policies governing the use of physical restraint. The written policies must include the following provisions:

(I) Staff and faculty training on the use of physical restraint and the school or programs policy and procedures,

(II) Written parental notification when physical restraint is used to restrain their student within a reasonable time not to exceed one school day from the use of restraint,

(III) The use of physical restraint to be documented and a debriefing session held by staff or faculty participating in or supervising the restraint for each student in each instance in which the student is restrained,

(IV) Procedures for the periodic review of the use of restraint and the documentation described in paragraph (2.) (vii) (III),

(V) Procedures for reporting the use of restraint and the documentation described in paragraph (2.) (vii) (III) and any prohibited use of seclusion and chemical, mechanical, or physical restraint to the local board of education annually,

(VI) The documentation described in paragraph (2.) (vii) (III) (monthly summary reports) and any prohibited use of seclusion and chemical, mechanical, or physical restraint is to be submitted to the Alabama Department of Education annually, and

(VII) The written policies described in paragraph (2.) (vii) (I and II) are to be included in each local education agencies' code of conduct and/or the student handbook.

(viii) Schools and programs that use physical restraints in accordance with paragraph (2.) (v-xiv) of this rule, must ensure that

staff and faculty are trained in the use of physical restraint. This training shall be provided as a part of a program which addresses prevention and de-escalation techniques as well as positive behavioral intervention strategies. Schools and programs must maintain written or electronic documentation on training provided and the list of participants in each training. Records of such training must be made available to the Alabama Department of Education or any member of the public upon request.

(ix) Nothing in this rule shall be construed to interfere with a school system, school or program, or school or program employee's authority to utilize time-out as defined in paragraph (1.) (vi) of this rule or any other classroom management technique or approach, including a student's removal from the classroom, that is not specifically addressed in this rule.

(x) Nothing in this rule modifies the rights of school personnel to use reasonable force as permitted under the Code of Ala. 1975, §16-1-14 or modifies the rules and procedures governing discipline under the Code of Ala. 1975, §16-28-12.

(xi) Nothing in this rule shall be construed to prohibit a school system, school, or program employee from taking reasonable action to diffuse or break up a student fight or altercation.

(xii) Nothing in this rule shall be construed to prohibit a school system, school, or program employee from taking reasonable action to obtain possession of a weapon or other dangerous objects on a student or within the control of a student.

(xiii) Nothing in this rule shall be construed to eliminate or restrict the ability of an employee of a school system, school or program to use his or her discretion in the use of physical restraint to protect students or others from imminent harm or bodily injury. Nothing in this rule shall be construed to create a criminal offense or a private cause of action against any local board of education or program or its agents or employees.

(xiv) In some instances in which a student is an immediate danger to himself or herself or others, the school or program must determine when it becomes necessary to seek assistance from law enforcement and/or emergency medical personnel. Nothing in these rules shall be construed to interfere with the duties of law enforcement or emergency medical personnel. Parents must be promptly informed when students are removed from the school or program setting by emergency medical or law enforcement personnel.

(2) Length of School Day and School Term.

(a) In accordance with Code of Ala. 1975, §16-1-1:

1. The school year shall consist of a minimum of 180 teaching days.

2. The length of the school day shall be at least six (6) hours of actual teaching exclusive of lunch and recess.

(3) Student Records from Nonexisting Schools.

(a) Upon discontinuing public school services at a given location or site, all student records must be achieved in space designated by the local superintendent.

(b) Should two or more public schools be combined, records must be combined and kept in the new or existing school or a place designated by the local superintendent.

(c) Nonpublic schools which have no higher administrative office and which discontinue operation must submit all student records to the office of the county or city board of education in the system where the school is located.

(d) Nonpublic schools which are discontinuing their operation and which have a higher administrative office equivalent to the office of the superintendent of education, shall submit student records to this office where they will be maintained.

(4) Student Records from Existing Schools.

(a) Permanent records are to remain in a school or in another location designated by the local superintendent indefinitely for all students who have attended the school. A duplicate shall be filed in the local superintendent's office or some storage place other than the school which the student attends. Transcripts and disciplinary records with respect to suspension (in- and out-of school) and expulsion may be sent to another school.

(b) Student Records must contain:

1. Legal names.

2. Social Security Numbers.

(i) Each child enrolled in an Alabama public school Grades Kindergarten through 12 shall have a Social Security Number and a valid Social Security Card to be presented to school official(s) at pre-registration/registration for verification and returned to child/parent/guardian/custodian. For each student who is otherwise entitled to admittance but does not have a Social Security Number, the local superintendent or agency shall assign a temporary number in accordance with the directions as specified by the State Department of Education. The temporary identification number shall be uniquely assigned as follows:

(I) Must be nine numeric digits (the same number of digits as the Social Security Number).

(II) Reading from left to right, position 1 must be a 9.

(III) Position 2 must be the last digit of the calendar year; for example, this is 1998 and therefore position 2 is 8.

(IV) Positions 3, 4, and 5 represent the unique 3 digit system number assigned by the State Department of Education; for example, Montgomery County is 051 and Huntsville City is 159.

(V) Positions 6, 7, 8, and 9 represent a sequential number beginning with 0001 each January 1. This allows 9,999 temporary numbers to be assigned each year by each local education agency.

3. Each local board of education and each agency reporting to the State Department of Education shall use the Unique State Student Identifier (SSID) as the official identification of each child/student in all record keeping systems and shall make such data available by SSID upon request by the State Superintendent of Education.

(c) All transcripts shall be transferred directly from one school official to the other.

(5) Federal Laws on Protection of Student Privacy. All schools must observe the Federal Educational Rights and Privacy Act (FERPA) as set forth in 20 U.S.C. 1239, 34 CFR, Part 99.

(6) Summer School.

(a) Registration of a Summer School.

1. All public schools conducting a summer school shall file a registration report with the State Department of Education.

2. Registration report forms furnished by the State Department of Education shall be returned to the State Department of Education, Montgomery, AL 36130-2101, no later than the end of the first week of summer school.

(b) Organization of Summer School--Effective with the Beginning of the 1999 Summer School.

1. Certified Personnel Holding Valid Alabama Certificate(s).

(i) The summer school shall be administered by a certified administrator.

(ii) Each teacher in a registered summer school shall hold a valid Alabama certificate in each subject taught as required in regular session.

2. Authorization of Summer School.

(i) The public summer school shall be authorized by the local board of education.

3. Responsibility for Summer School.

(i) The superintendent and the principal of the school shall be responsible for organizing the summer school program and registering it with the State Department of Education.

4. Awarding of Credit.

(i) Time requirements governing one unit of credit during summer school shall be a minimum of 140 clock hours of instruction, or students may demonstrate mastery of Alabama course of study content standards without specific instructional time.

(ii) A definite schedule shall be followed to meet requirements for awarding credit.

5. Student Attendance in Summer School Other Than Where Regularly Enrolled.

(i) A student desiring to do summer school work in a school other than that in which he/she is regularly enrolled shall obtain written permission from his/her principal and parent(s) (guardian).

(ii) The student and his/her parent(s) (guardian) shall be held responsible for errors in course selection unless AAC Rule No. 290-3-1-.02(6)5.(i) is followed.

6. Exception.

(i) Any exception to AAC Rule 290-3-1-.02(6)(b)1. through 5. shall be granted only by the State Superintendent of Education upon written request of the local superintendent with submission of sufficient documentation to warrant approval.

(7) Student Personnel - Admission.

(a) Admission to public school:

1. Admission to public school shall be on an individual basis, on the application of the parents, legal custodian or guardian of the student, to the local board of education, at the beginning of each school year, under such rules and regulations as the local board may prescribe.

(i) Legal names shall be used on each student's application for admission to public school.

(ii) Each student's Social Security Number shall be used on the application for admission to public school. (See AAC Rule 290-3-1-.02(4)(b)(2) for effective dates.)

(b) The local board of education, is responsible for adopting policies of admission and attendance within the framework of state law and State Board of Education policies. These policies should be clearly stated, followed implicitly and given publicity in the area to be served in the spring and fall before schools officially open.

(1) Regulations Governing School Attendance Standards and the Operation of Motor Vehicles.

(i) Local Education Agency (LEA) Responsibilities

(I) The school system shall provide adequate information to each student concerning the rights, penalties, and guidelines provided in this act.

(II) The superintendent or his designee shall, upon request of the student, provide and complete Part I of the Student

Enrollment/Exclusion Status form to indicate enrollment status for any student 15 to 19 years of age. Enrollment means the student is:

- I. Enrolled in public school;
- II. Enrolled in a General Educational Development (GED) program;
- III. Enrolled in a job-training program approved by the State Superintendent of Education; or
- IV. Exempted for circumstances beyond the control of the applicant as defined by SDE guidelines.

(III) The superintendent or his designee shall use the Student Enrollment/Exclusion Status form to notify the Department of Public Safety (DPS) of:

- I. Students who have requested enrollment status and are not enrolled, or
- II. Students who are 16 to 19 years of age with more than 10 consecutive or 15 cumulative days of unexcused absences during a single semester.

(IV) The superintendent or his designee shall advise a student of any report sent to the DPS related to the student.

(V) The local board of education shall adopt a policy related to this Act that is consistent with SDE guidelines.

(VI) The school system shall implement an appeals policy following guidelines adopted by the SDE.

(ii) State Department of Education (SDE) Responsibilities. The SDE shall:

- (I) Develop the form for documenting enrollment status;
- (II) Adopt an appeals procedure; and
- (III) Distribute written guidelines to each school system for developing a written policy that:

I. Includes the definition of "circumstances beyond the control" of the student,

II. Informs students regarding provisions of the Act, and

III. Requires an appeals process.

(iii) Appeals Process. The appeal of a decision under Part I: Enrollment Status shall be submitted to the local school system.

(I) To appeal, the student shall submit written notification of intent to appeal within 15 days of the issuance of enrollment status, including a statement of reasons for the appeal to the appropriate school principal.

(II) Except as otherwise provided herein, the appeals process shall follow the procedures adopted by the local board of education for a long-term suspension or expulsion. The local board of education may adopt a different appeals process so long as it provides minimal due process.

(iv) Suspension and Expulsion Definition. For purposes of implementing Code of Ala. 1995, §16-28-40 regarding Governing School Attendance Standards and the Operation of Motor Vehicles, suspension and expulsion shall mean a disciplinary action taken by a local school system against a student that requires the student to be removed and absent for a day or more from the instructional program.

(c) Truancy Definition. A parent, guardian, or other person having charge of any child officially enrolled in Alabama public schools (K-12) shall explain in writing the cause of any and every absence of the child no later than three (3) school days following return to school. A failure to furnish such explanation shall be evidence of the child being truant each day he is absent. The child shall also be deemed truant for any absence determined by the principal to be unexcused based upon the State Department of Education's current School Attendance Manual. Seven unexcused absences within a school year constitute a student being truant for the purpose of filing a petition with the Court. The Interagency Committee on Youth Truancy Task Force recommendations known as the Early Warning Truancy Prevention Program timeline for reporting truancy shall define the truancy status of any student as follows:

1. First truancy/unexcused absence (warning)

(i) Parent/guardian shall be notified by the school principal or his/her designee that the student was truant and the date of the truancy.

(ii) Parent/guardian shall also be provided with a copy of Alabama's compulsory school attendance laws and advised of the penalties that can be applied and the procedures that shall be followed in the event that other unexcused absences occur.

2. No earlier than the fifth unexcused absence (conference)

(i) The parent, guardian, or person having control of the child shall (1) attend a conference with the attendance officer and principal or his/her designee and/or (2) participate in the early warning program provided by the juvenile court.

(ii) Attendance at one of these conferences shall be mandatory except where prior arrangements have been made or an emergency exists.

(iii) Failure to appear at the school conference and/or to appear at the early warning program shall result in the filing of a complaint/petition against the parent under Code of Ala. 1975, §16-28-12(c) (failure to cooperate), or a truancy against the child, whichever is appropriate.

3. No earlier than seventh unexcused absence, but within ten (10) school days (court)

(i) File complaint/petition against the child and/or parent/guardian, if appropriate.

4. Child under probation

(i) The school attendance officer should be notified by the juvenile probation officer of all children in the school system under probation supervision by the juvenile court as consistent with state statute, Code of Ala. 1975, §12-15-100 and 105.

(ii) Where a child under probation is truant, the school attendance officer should immediately notify the juvenile probation officer.

5. Any local education agency may adopt a policy more rigorous than the State policy.

(d) Definition: Section 103(a) of the McKinney Act defines the term homeless as including:

1. An individual who lacks a fixed, regular and adequate nighttime residence; and

2. An individual who has a primary nighttime residence that is:

(i) A supervised publicly or privately operated shelter designed to provide temporary living accommodations (including welfare hotels, congregate shelter, and transitional housing for the mentally ill);

(ii) An institution that provides a temporary residence for individuals intended to be institutionalized; or

(iii) A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.

(iv) Children living in doubled-up accommodations with family or friends due to a loss of housing and no other means of shelter.

3. Section 103(c) excludes from the definition of homeless "any individual imprisoned or otherwise detained pursuant to an Act of Congress or a state law."

(e) Enrollment Eligibility Determination.

1. A student who may be homeless or has an uncertain place of residence may present themselves for enrollment at a public school or a school system's office. School administrative personnel should make a determination of the student's residential status based upon the definition in Section 103(a) of the McKinney Act. If the student is identified as homeless via the definition, carefully consider enrollment options provided by the law presented in the next item (2) enroll the student and determine free meal and transportation needs.

2. Enrollment of a student shall not be denied or delayed due to any reason related to their homelessness including but not limited to the following reasons:

(i) Lack of transcripts/school records

(ii) Lack of immunization/health records

(iii) Residency requirements

- (iv) Guardianship/custody requirements
- (v) Lack of transportation
- (vi) Lack of birth certificate

3. There are two options for the placement of homeless students:

(i) Continued enrollment in the school attended prior to homelessness; or

(ii) Enrollment in any schools that nonhomeless students who live in the attendance area where the homeless students is presently living are eligible to attend.

(iii) The placement decision shall be made according to the best interest of the child. Factors to be considered include family plans, educational services available, special programs, transportation, and length of stay in shelter facility. To the extent feasible, school administrators shall comply with any placement request made by a parent or guardian.

4. A child enrolled pursuant to these provisions shall not be denied services offered to other students in the school system.

(f) School and Health Records.

(i) A homeless parent/guardian and student may want to enroll without transcript/grade records. If so, enroll the student while school administrative personnel contact the former school about immunization information and tentative placement. They should then request a 30-day in state or a 90-day out-of-state extension certificate for immunization from the Superintendent or a designee. If it is determined that no records are available or exist, the local school should create a cumulative record folder in accordance with established guidelines. School administrative personnel should obtain a simple release from the parent/guardian to facilitate release of the information by former school/school district.

(ii) The school administrative personnel should contact the local health department to obtain information about the immunization status of a homeless student. If there are no records of the homeless student's immunization status, an appointment for the student needs to be made within the local health department and follow-up provided to ensure that the student has been immunized.

(g) Guardianship/Custody.

(i) A homeless student may arrive at the school without a parent or legal guardian and want to enroll. If so, enroll the student and make every effort to contact the parent/guardian to complete the enrollment process or in cases of suspected abuse, contact the local social services agency. Maintain documentation of all written/verbal communication and home visits to contact the parent/guardian.

(ii) In exceptional cases where no parent/guardian can be located, contact the local social services agency to report the homeless child as a child in need of assistance, and in the interim, appoint an adult (relative, friend or volunteer) who will act in place of a parent to make educational decisions. A "Release of Information" form may be used to assist in obtaining the necessary authorization as part of this process.

(h) Transfer/Withdrawal

(i) Homeless students often leave school without officially transferring or withdrawing from the school. In this event, follow policy established by the Board of Education.

Receiving school: If a homeless student is transferring without the proper transfer or withdrawal form from the previous school, enroll the student and call the former school for transfer and/or withdrawal information.

Sending school: Give requested information by telephone and forward records for the homeless student within 15 days. Complete necessary forms to place student on transfer or withdrawal status at your school.

(ii) Homeless students may return to their former school or transfer to a new school within the same academic year. In this event, make every effort to remove student from withdrawal status and place on re-entry or transfer status. School administrative personnel should contact the previous school by telephone to request the student's records and discuss educational placement. Student records should be forwarded within 15 days.

(i) Prompt Resolution of Interdistrict Disputes. If there is a dispute about the proper placement of a homeless child between the school district of the child's school of origin and the school district where the child is presently living, administrative

personnel from both districts have the responsibility to bring the matter to the attention of an Assistant State Superintendent (or other designee of the State Superintendent, Alabama Department of Education) immediately for an interim resolution to avoid any delay in the enrollment of a homeless child. The school districts involved shall enroll the child without delay in accordance with the decision of the Assistant State Superintendent or other designee; however, a school system may seek review of the decision by the State Superintendent in accordance with section (i) below.

(j) Resolution of Disputes

(i) Enrollment shall not be denied pending resolution of a dispute. Any dispute in regard to providing public education to a child who may be eligible or designated as homeless shall follow Board Administrative Regulations.

(ii) In the event of a dispute regarding eligibility or placement, the parent or guardian shall be given notice of their right to a review. In the event the dispute cannot be resolved locally, the parent or guardian may request a review of the dispute by an Assistant State Superintendent or other designee of the State Superintendent, Alabama Department of Education. The Assistant Superintendent, or other designee, will address the issues in the dispute within 10 days from the receipt of a written request for resolution.

(iii) The Assistant Superintendent, or other designee, may, if the issue is not resolved in the written review, assign members of the Alabama Department of Education to make an on-site visit to further clarify and resolve the issue. All complaints must be resolved within 60 days unless given written explanation.

(iv) The State Superintendent of Education will review, hear, and rule on grievances from students or the local board of education which have not been resolved by the Assistant Superintendent or other designee. The decision of the State Superintendent shall be final.

(k) Transfers from Non-Accredited Schools/School Setting(s). Any school/school setting not accredited by an institutional accrediting agency recognized by the Secretary of the United States Department of Education or other organizations approved by the State Board of Education shall be considered a non-accredited school for the purpose of transfer of class/grade credit. Core courses shall be defined as English, mathematics, science, and social studies.

1. The transfer of credits and/or appropriate placement shall be as follows:

(i) Credit for elective courses shall be transferred without validation.

(ii) Non-contested credit for core courses shall be transferred as follows:

(I) Using all official records and nationally standardized tests, the principal or his/her designee shall determine placement and notify the student and the parent(s)/guardian(s).

(II) If the parent(s)/guardian(s) agrees with the placement decision, the student shall be placed.

(III) Following placement, for any initial core course successfully completed, transfer of previous credit earned at a non-accredited school(s) in that subject area shall be accepted without further validation.

(iii) Contested credit for core courses shall be transferred as follows:

I. If the parent(s)/guardian(s) disagree with the placement decision, the principal or his/her designee shall supervise the administration of the school's most recent semester test for each prerequisite core course in which the parent/guardian is requesting enrollment. For each test the student passes as determined by the school grading scale, the student shall be placed in the next level core course and credit shall be transferred for prerequisite courses.

II. For any test failed, placement shall be made as originally recommended by school officials and no credit shall be transferred for the prerequisite course(s) in that subject.

2. In the event of controversial records/transcripts or the absence of records, the student shall take placement tests consisting of the school's previous semester tests for core courses.

(1) Transfers from institutional accrediting agencies recognized by the Secretary of the United States Department of Education or other organizations approved by the State Board of Education: A student transferring to an Alabama public school from

a public or non-public school accredited by an accrediting agency recognized by the State Board of Education will have all credits and current class/grade placement accepted without validation upon the receipt of an official transcript(s).

(m) State and Local Board of Education Requirements: All transfer students must pass the State Examination and meet local board of education graduation requirements.

(8) Diploma Requirements. Effective for students in the ninth grade in the 2013-2014 school year, all students shall earn the required credits for the Alabama High School Diploma. A local board of education may establish requirements for receipt of diplomas and endorsements, but any diploma or endorsement shall include the requirements of the Alabama High School Diploma. The Alabama courses of study shall be followed in determining minimum required content in each discipline.

(a) Alabama High School Diploma.

	Credits
English Language Arts.....	4
Four credits to include:	
English 9.....	1
English 10.....	1
English 11.....	1
English 12	1
Equivalent options may include:	
Advanced Placement/International Baccalaureate/postsecondary	
Mathematics.....	4
Three credits to include:	
Algebra I, or its equivalent.....	1
Geometry, or its equivalent.....	1
Algebra II w/Trigonometry or Algebra II, or its equivalent	1
One credit from:	
<i>Alabama Course of Study: Mathematics</i> or Career and Technical Education/Advanced Placement/International Baccalaureate/ postsecondary mathematics-credit eligible course	1
Science.....	4
Two credits to include:	
Biology	1
A physical science	1
Two credits from:	

Alabama Course of Study: Science or Career and Technical Education/Advanced Placement/International Baccalaureate/postsecondary science-credit eligible courses2

Social Studies..... 4

Four credits to include:

World History.....1

United States History I.....1

United States History II.....1

United States Government.....0.5

Economics.....0.5

Equivalent options may include:

Advanced Placement/International Baccalaureate/postsecondary Physical Education1

Beginning Kinesiology.....1

Health Education 0.5

Career Preparedness 1

Career and Technical Education and/or Foreign Language and/or Arts Education 3

Electives..... 2.5

Local boards shall offer foreign languages, arts education, physical education, wellness education, career and technical education, and driver education as electives.

TOTAL..... 24

(b) Credit Restrictions.

1. A student shall not earn credit toward graduation for a course that duplicates course content for which credit has already been awarded.

2. Embedded Credit. Career and Technical Education programs, with a strong emphasis on academic content, can offer instruction giving students experience with high levels of mathematics and science and the application of mathematics and science concepts to solve problems.

(i) Academic credit may be awarded upon completion of qualifying Career and Technical programs.

(ii) The State Superintendent shall determine eligibility of Career and Technical programs that qualify for award of embedded credit.

(iii) A total of two embedded credits may be earned by a completer of a Career and Technical program, one in mathematics and one in science.

3. Distance Learning. Effective for students entering the ninth grade in the 2009-2010 school year, Alabama students will be required to complete one on-line/technology enhanced course or experience prior to graduation. Exceptions through Individualized Education Plans will be allowed.

(c) Substitution Subjects for Physical Education in Grades 9-12. Until funding is obtained for K-8 physical education teachers, there will be no exception to the one required unit of physical education in Grades 9-12. Any Alabama public school system that has adequate certified physical education teachers in Grades K-8 may request of the State Superintendent of Education that the exemptions of the one credit of physical education in Grades 9-12 be applied as listed below:

1. May substitute physical activity-based subjects (e.g., marching band, and athletics) and other subject areas under exceptional circumstances for physical education under the following conditions:

(i) A detailed plan (except JROTC) which reflects collaboration with the physical education teacher at the school must be developed and submitted to the State Superintendent of Education to ensure that students will master the required content standards and benchmarks as outlined in the *Alabama Course of Study: Physical Education*.

(ii) The Alabama Physical Fitness Assessment must be administered to Grade 2-12 students, including students who receive exemptions from the State Superintendent of Education. Fitness data must be reported to the State Department of Education (SDE).

(iii) Such other conditions as prescribed by local boards of education. This subsection (c) becomes effective with the class entering the ninth grade in the fall of 2006.

2. No other substitutions are authorized unless written authorization for such substitutions is secured from the State Superintendent of Education.

(d) Conditions Pertaining to Issuance of Diploma

1. High school diplomas shall be issued only upon the authority of the county or city board of education and shall be on forms prescribed or approved by the local board. Diplomas shall bear the signature of the local superintendent of education and the principal of the school. It is recommended that the signature of the chairman of the city or county board of education be included also.

2. All state public secondary schools shall have the "Great Seal of Alabama" on the face of the diploma issued by the school.

3. High schools are not authorized to issue the Alabama High School Diploma as a result of any assessment other than assessments required through the Alabama Assessment Program.

4. High schools, with local education agency approval, are authorized to issue the Alabama High School Diploma to any student with a disability(s) as defined by the *Individuals with Disabilities Education Act* and/or *Section 504 of the Rehabilitation Act of 1973*, who has met all of the graduation requirements.

5. Local boards of education shall ensure that all courses required for the Alabama High School Diploma are made available to every high school student who begins the ninth grade in the 2013-14 school year and thereafter.

6. The International Baccalaureate (IB) Diploma Programme academic course requirements may be substituted for the Alabama High School Diploma core curricula and arts education requirements when administered through an approved International Baccalaureate (IB) Diploma Programme and all academic assessment requirements are met by the participating student(s).

7. Except in case of bona fide change of residence or other circumstances equally valid for making an exception, a student is not to be graduated from high school unless he has been in continuous attendance therein during the entire high school year immediately preceding the date of graduation. If so desired, a local board of education may require students residing within its attendance zone and transferring from a non-accredited school/school setting to attend its school(s) for two (2) entire high school years immediately preceding the date of graduation. In the event of the transfer from one school to another of a twelfth-grade student who wishes to become a candidate for graduation at the end of the year, the school receiving the student should require approval in writing of the transfer and the student's candidacy for graduation from the

principal of the school from which the student has withdrawn. The letter of approval together with any necessary memoranda should be filed with the transcript of the student's record from the discharging school. In case of doubt as to procedure or appropriate action in such case, either or both of the principals of the schools concerned should discuss the matter with the State Department of Education.

(e) Conditions of Issuance of Graduation Certificates.
(Refer to Graduation Activities and Diplomas of Special Education Services AAC Rule 290-8-9-.10(9)(c) through 290-8-9-.10(9)(g).)

(9) Time Allotment and Credit Requirements for Secondary Schools.

(a) One credit may be granted in Grades 9-12 for required for elective courses consisting of a minimum of 140 instructional hours or in which students demonstrate mastery of Alabama course of study content standards in one credit courses without specified instructional time. This does not impact Section 16-1-1 and AAC r. 290-3-1-.02(2)(a) (length of school day) or Section 16-13-231 (number of days in a school year). All subjects taught are considered major subjects. The Alabama State Department of Education does not recognize major and minor subjects in Grades K-12.

(b) Any fractional credit which a student earns may be combined with any other fractional credit and cumulatively count toward graduation or for promotional purposes.

(c) One-half credit may be granted for required or elective course consisting of a minimum of 70 instructional hours or in which students demonstrate mastery of Alabama course of study content standards in one-half credit courses without specified instructional time.

(d) A school year consists of the regular academic year plus the following summer school.

(e) Repealed 04-09-87 effective 05-22-87.

(10) Credit Recovery. Local boards of education may establish Credit Recovery programs allowing certain students learning opportunities to master concepts and skills in one or more failed courses. Course content for credit recovery courses shall be composed of standards in which students proved deficient rather than all standards of the original course. LEAs offering credit recovery courses must develop programs including regulations and

processes addressing admission and removal, instruction, content and curriculum, grades, and credits. Schools may offer these courses using computer software, online instruction, or teacher-directed instruction. The curriculum shall align with State Board of Education Alabama courses of study content standards in which students are deficient.

(11) Dual Enrollment - Postsecondary Institutions. Local boards of education may establish dual enrollment programs allowing certain high school students to enroll in postsecondary institutions in order to dually earn credits for a high school diploma and/or a postsecondary degree at both the high school and participating postsecondary levels. The dual enrollment program is open to all students meeting the following requirements:

(a) Eligible Students. Students participating in a dual enrollment program shall pay normal tuition as required by the postsecondary institution and shall meet the following requirements:

1. Meet the eligibility requirements for admission as prescribed by the postsecondary institution; and
2. Have written approval of the student's principal; and
3. Be in grade 10, 11, or 12 or have an exception granted by the participating postsecondary institution upon the recommendation of the student's principal and superintendent and in accordance with AAC Rule 290-8-9-.12 regarding gifted students.

(b) Course offerings.

1. Courses shall be postsecondary/college level. Postsecondary/college level remedial courses shall not meet the requirements of this program.
2. Students enrolled in courses offered during the normal high school day on or off the high school campus shall have prior permission of the student's principal, superintendent, and the participating postsecondary institution president.
3. Local boards of education shall adopt policies addressing parental permission and travel for courses offered off the high school campus during the normal school day.

(c) Credits. Semester credit hours at the postsecondary level for high school courses specifically named as a requirement for graduation as outlined in AAC Rule 290-3-1-.02(8)(a) are

determined according to guidelines established by the SDE. Partial/full credit agreements shall be developed between the local board of education and participating postsecondary institutions for courses that are excluded from the SDE guidelines for assigning credit.

(d) Articulation. Four-year colleges/universities are encouraged to participate in this program utilizing the same guidelines.

(e) Early College Enrollment Program (ECEP).

1. Local boards of education may elect to participate in the ECEP, a dual enrollment program for career and technical education students, following established guidelines found in the Career and Technical Education Methods of Administration Manual. Guidelines may be obtained from the Career and Technical Education Section.

2. This program will become effective for the juniors and seniors beginning with the 2008-2009 school year.

(12) Correspondence Courses. Credit for correspondence courses may be allowed only on the following conditions:

(a) Written approval must be given by both the principal and superintendent before the correspondence work is begun.

(b) Credits can be earned through correspondence from institutions recognized by the State Department of Education and from institutions accredited by the national accrediting agency recognized by the U.S. Office of Education.

(c) Only one credit may be earned during the regular school year by the student, and this credit shall be included in calculating his program of study.

(d) Correspondence work should be taken only when the curricular offerings deny a student a course he particularly needs.

(13) Online Courses. Credit for online courses may be allowed only on the following conditions:

(a) Credit Restrictions.

1. Written approval must be given by both the principal and superintendent before the online course is begun.

2. Online courses qualifying for credit in required courses must contain all required content identified in Alabama courses of study.

3. Online course credit shall be included in calculating a program of studies, in accordance with AAC Rule 290-3-1-.02(9)(d).

(b) Delivery Requirements.

1. Online course delivery not supported by the Alabama Department of Education must be from institutional accrediting agencies recognized by the Secretary of the United States Department of Education, or other organizations approved by the State Board of Education.

2. Students shall complete all scheduled tests and labs during a regular class scheduled within the normal school day, except for related research/homework. The normal school day shall include night school, summer school, and other scheduled extended day periods as approved by the local school.

3. Homebound students may participate in approved online courses upon request and notification to the SDE of students' homebound status by the local school system superintendent. Homebound students must complete all graded activities in the presence of a facilitator provided by the school system and meeting the requirements identified in AAC Rule 290-3-2-.02(12)(d)1.

4. Schools enrolling students in online courses will provide students with appropriate technology, adequate supervision, and technical assistance, in accordance with State Department of Education (SDE) online technology requirements for local implementation.

(c) Approval Process.

1. Courses other than those provided by the SDE fulfilling the requirement of four credits per core content area must be approved and registered before schools offer them for credit. Registration forms and guidelines may be obtained from the SDE.

2. Elective courses from any source need no SDE approval, but all online courses not provided by the SDE must be registered with the SDE.

(d) Personnel Requirements.

1. All online courses shall have an adult facilitator approved by the local school who has completed professional development in online methodology and technical aspects of Web-based instruction and serves as a liaison to online teachers and providers.

2. Teachers who deliver instruction online must be certified in the content area of the course or faculty members of an institution of higher education accredited by an agency named in AAC Rule 290-3-1-.02(12)(b)1. These teachers must possess expertise in the specific content area and must have participated in in-service education, sponsored by the providing institution, pertaining to instructional methodology and technical aspects of online delivery.

(e) Financial Responsibility. School systems will be responsible for equipment, textbooks, software, and supplemental resources for courses necessary for completion of graduation requirements and for costs associated with the delivery of courses not provided by the SDE.

(f) Assigning Grades. Numerical grades shall be assigned by the online teacher and accepted by the participating high school. Honor points, weighting, and other special considerations will be made, when appropriate, at the discretion of the local school administration.

(14) Tutorial Study.

(a) Approval from the principal and superintendent must be granted to a student prior to registering for a course or grade level in which the tutored subject is pursued.

(b) When it becomes necessary for an elementary, junior, or middle school student to be tutored in a subject, his program shall be administered and supervised by the principal and the local superintendent.

(c) Students shall be tutored by teachers who meet the same qualifications as those in an accredited school.

(d) A teacher in the school shall not be employed to tutor students in subjects this teacher has taught them, or is now teaching them, unless there is no other reasonable alternative.

(e) A student may earn through tutorial study one credit or two half-credits of work during the scholastic year. This restriction does not apply to homebound students.

(f) Only four credits of the regular number required for graduation can be earned through tutorial study. This restriction does not apply to homebound students.

(g) It is further required that an examination be prepared and administered by the principal of the school in which the tutored students are enrolled.

(h) In no case should examinations be given for work covered by tutoring unless the course has been covered as thoroughly as in the regular session.

(i) Examinations are to be kept on file in the office of the school principal for one semester.

(15) Physical Education.

(a) Pursuant to Code of Ala. 1975, §16-40-1, each school shall carry out a system of physical education which includes:

1. Planning a program to meet the needs of all students. A modified program shall be provided for those unable to take the regular program.

2. Providing a properly certified physical education teacher as specified in the certification Subject and Personnel Codes.

3. Scheduling classes which meet or exceed the minimum requirements of the Alabama Course of Study: Physical Education.

4. Assigning students by grades if possible. If grouping is necessary, consideration should be given to primary grades, and Grades 4-5, 6-7, 7-8, 9-10, and 11-12.

5. Limiting the number of students enrolled in a physical education program to the number prescribed by the Southern Association of Colleges and Schools.

6. Providing for physical education through the regular school budget.

(16) Drug Education. In accordance with Code of Ala. 1975, Title 16, Chapter 41, the State Superintendent of Education shall administer the rules adopted by the State Board of Education

pertaining to a program of drug, narcotic, alcohol, and tobacco education for the schools of the state.

(a) All students, Grades K-12, shall be taught the adverse and dangerous effects of drugs on the human mind and body.

(b) An interdisciplinary drug education curriculum has been developed by the Alabama State Department of Education to assist schools in complying with these rules and the Alabama Drug Abuse Education Act. Copies may be obtained from Division of Instruction, State Department of Education, Montgomery, AL 36130.

(17) Driver Education.

(a) No fee shall be charged to a public school student enrolled in a driver education course whose family is unable to pay the fee.

(b) The amount of the course fee shall be established before the enrollment of students in the driver education course.

(c) The local superintendent shall recommend the amount of the driver education course fee for approval by the local board of education. The amount of the driver education course fee approved by the local board of education shall not exceed the anticipated local costs of the driver education course.

(d) Each board of education shall establish criteria by which the ability of families to pay the fee may be determined.

(e) Local boards of education shall take reasonable steps to ensure that students qualifying for no fee or a reduced fee are identified.

(f) During a full semester course, schools must provide for each student the equivalent of an absolute minimum of 30 class hours of 60 minutes each (or a total of 1,800 minutes) in classroom instruction, plus at least six class hours of 60 minutes each (or a total of 360 minutes) in supervised behind-the-wheel instruction, exclusive of observation time in a dual-control car.

(g) Where driving simulators are used, not more than one-half of the six clock hours per student in behind-the-wheel instruction will be provided on simulators. The time ratio for simulator instruction shall be at least four hours of simulated experience to each one hour of experience at the controls of a practice-driving car. For example, it would take four hours of

simulated instruction to equal one hour behind-the-wheel instruction.

(h) When a multiple-care driving range is used, it shall take two hours of range driving to substitute for one hour of on-street driving. When this technique is used, each student must complete at least one hour of actual on-street driving as well as the range training.

(i) Without making changes for the minimum class hours required in a driver education class, the requirement to teach boating safety in a driver education class must be met during the minimum thirty hours of classroom instruction time.

(18) Extracurricular Activity Participation-- Academics First. Effective for all students in Grades 8-12 beginning with the 1999-2000 school year, eligibility for participation in extracurricular activities shall be determined by grades earned during the 1998-99 school year and 1999 summer school, and shall remain in effect for each succeeding year in the same format as described herein and as is specifically provided in subsection (b) below. Local boards of education shall implement this policy as a minimum for all students in Grades 7-12 under their control. Each local board of education shall notify the State Superintendent of Education within 30 days of receipt of notice of adoption of this rule by the State Board of Education that it is in effect in all applicable schools within its jurisdiction.

(a) Definitions.

1. Extracurricular activities associated with athletics are defined as those recognized and sanctioned by the Alabama High School Athletic Association, and other extracurricular activities are defined as those that are sanctioned by a public school which are not related to a student's academic requirements or success in a course(s).

2. Regular curricular activities are defined as those that are required for satisfactory course completion.

(b) Eligibility Requirements.

1. Students entering Grades 10-12 must, for the last two semesters of attendance and summer school, if applicable, have a passing grade and earn the appropriate number of credits in each of six (6) subjects that total six (6) credits, including four (4) credits from the four (4) core subjects composed of English, science,

social studies, and mathematics with a composite numerical average of 70. Students entering Grades 8 and 9 must, for the last two semesters of attendance and summer school, if applicable, have a passing grade in five (5) subjects with a composite numerical average of 70 with all other rules applying the same as to students in Grades 9-12. Students promoted to the seventh grade for the first time are eligible. (A semester is defined as one-half of a school year as defined by the local board of education adopted school year calendar.)

2. Physical education may count as only one (1) credit unit per year.

3. No more than two (2) credits may be earned during summer school. If a credit (s) or subject(s) is repeated in summer school, the higher numerical grade for the credit unit(s) or subject(s) may be used to compute the composite grade average.

4. A student who is eligible at the start of the academic year remains eligible for the entire academic year. Students deemed ineligible at the beginning of the school year by virtue of having failed to meet the requirements outlined in 2. (b) 1. above may regain their eligibility at the end of the first semester by meeting the requirements for eligibility in the two most recently completed semesters, including summer school. Eligibility restoration must be determined no later than five (5) school days after the beginning of the succeeding semester.*

5. An ineligible student may not become eligible after the fifth school day of each semester. Bona fide transfers may be dealt with according to rules of the Alabama High School Athletic Association for sports and rules to be developed by each local board of education as they pertain to other extracurricular activities.

6. Each eligible student entering Grades 10-12 must have a minimum composite numerical average of 70 and a minimum of six (6) credits from the preceding year, including summer school. Summer school work passed may substitute for regular school work repeated in computing the 70 average.

7. Each eligible student involved in athletics must meet the definition of a regular student as defined by the Alabama High School Athletic Association.

8. Any student who earns more than four (4) credits in the core curriculum in any given year or who accumulates a total in excess of the required four (4) per year may be exempt from earning

the four (4) core courses in the succeeding year as long as that student remains on schedule for graduation with his/her class by earning eight (8) core credits over any two-year span, including summer school.

(c) Participation Requirements.

1. School sponsors are required to submit a request for each curricular activity that occurs outside the regular school day and/or school to the principal, superintendent, and the local board of education for approval.

2. Each request for full participation by all students, regardless of academic standing, in a curricular activity shall be granted if the principal, superintendent, and the local board of education approve participation in the activity as an extension of a course(s) requirement(s) and it is an event sanctioned by a state/national subject matter association.

3. Notwithstanding anything to the contrary in this regulation, activities offered by the school through math, science, band, choral music, and other courses at events such as athletic events (pregame, game, halftime, or other breaks), club conventions, parades, amusement park trips and competitions, trips by tour companies, performances at various meetings, etc., are extracurricular, and students academically ineligible under this policy shall not be allowed to participate.

4. Decisions on a student's participation in extracurricular activities should be developed and reached on a local school/system level consistent with the requirements found in the Individuals with Disabilities Education Act (1997) and its implementing regulations, both federal and state, as well as Section 504 of the Rehabilitation Act of 1973 if the student is identified as eligible under these statutes, rules, and regulations, and such participation is determined to be appropriate.

*Note: Unit calculations for regaining eligibility at the end of the first semester may not coincide exactly with units for graduation for students in schools on six- or seven-period days.

(19) Problem Solving Teams (PST). By August 15, 2011, all public schools in Alabama will be required to implement the PST model.

(a) Definitions.

(1) The Problem Solving Teams (PST) is a model to guide general education intervention services for all students who have academic and /or behavioral difficulties. The PST is central to the school's successful implementation of the Response to Instruction (RtI) framework.

(2) Response to instruction (RtI). Response to instruction (RtI) refers to an instructional framework that promotes a well-integrated system connecting general, gifted, supplemental, and special education services in providing high-quality, standards-based instruction and intervention that is matched to students' academic, social-emotional, and behavioral needs. RtI combines core instruction, assessment, and intervention with a multi-tiered system to increase student achievement and reduce behavior problems.

(b) Decisions regarding the number of PSTs needed by a school should be determined at the school level; however, a minimum of one PST per school is required to review data-based documentation regarding students' progress regularly, advise teachers on specific interventions matched to student needs, and communicate with parents regarding student intervention needs being provided.

(c) The Problem Solving Teams will analyze screening and progress-monitoring data to assist teachers in planning and implementing appropriate instruction and evidence-based interventions for all students with academic and/or behavioral difficulties, including those students who exhibit the characteristics of dyslexia.

(d) The documentation requirements for a referral to special education found in the Alabama Administrative Code, Chapter 290-8-9.01(2) and (4) (Child Identification) and Chapter 290-8-9.03(10) (b)1, (10) (c)2.(ii), (10) (d)2.(I) (II) (ii) and (10) (d)4 (Disability Definitions, Criteria, and Minimum Required Evaluative Components) must be collected and provided by the PST to rule out the lack of appropriate instruction in reading or math including the essential components of reading instruction or Limited English Proficiency (LEP), as the determining factor in the eligibility decision.

(e) Any student who is reevaluated and determined not eligible for special education services must be referred to the PST to determine the appropriate supplemental services to facilitate successful transition in the general education program.

(20) Dyslexia. Dyslexia is a specific learning challenge that is neurological in origin. It is characterized by difficulties with accurate and/or fluent word recognition and by poor spelling and decoding abilities. These difficulties typically result from a deficit in the phonological component of language that is often unexpected in relation to other cognitive abilities and the provision of effective classroom instruction. Secondary consequences may include problems in reading comprehension and reduced reading experience that can impede growth of vocabulary and background knowledge.

(a) The Alabama State Department of Education will make available a dyslexia-specific training accredited by the International Dyslexia Association (IDA) to prepare individuals to implement multisensory structured language teaching techniques and strategies.

(b) Professional development regarding dyslexia and implications for the classroom teachers, will be provided. This professional development should target dyslexia awareness training, dyslexia screening, dyslexia-specific classroom strategies, academic accommodations, and use of assistive technology.

(c) Students will be screened for characteristics of dyslexia using screening instruments currently in place for use in public schools.

(d) Based on the screening results, the problem solving teams will analyze screening and progress monitoring data to assist teachers in planning and implementing appropriate instruction and evidence-based interventions for all students with academic and/or behavioral difficulties, including those students who exhibit the characteristics of dyslexia. Guidance may include suggestions of appropriate tiered interventions, dyslexia specific interventions, academic accommodations as appropriate, and access to assistive technology. The dyslexia-specific intervention, as defined in AAC Rule 290-3-1-.02(20(f) and described in the Alabama Dyslexia Resource Guide, shall be provided by an individual who has expertise in providing dyslexia-specific interventions.

(e) The PST will notify the parents of the results of the dyslexia-specific screening, will provide parents with a copy of the goals of the dyslexia-specific intervention plan, and with data-based documentation regarding the student's progress on a regular basis. Independent dyslexia evaluations provided by a parent or guardian to the PST must be considered by the members of the PST.

(f) Dyslexia-specific intervention shall mean evidenced-based, specialized reading, writing, and spelling instruction that is multisensory in nature equipping students to simultaneously use multiple senses (vision, hearing, touch, and movement). Dyslexia-specific intervention employs direct instruction of systematic and cumulative content. The sequence must begin with the easiest and most basic elements and progress methodically to more difficult material. Each step must also be based on those already learned. Concepts must be systematically reviewed to strengthen memory. Components of dyslexic-specific intervention include instruction targeting phonological awareness, sound symbol association, syllable structure, morphology, syntax, and semantics.

(g) Dyslexia intervention refers to the teacher or individual who provides dyslexia-specific intervention. The dyslexia interventionist shall have successfully completed a certification training course or shall have completed training in the appropriate implementation of the evidence-based, dyslexia-specific intervention being provided.

(h) The Alabama State Department of Education working with Dyslexia Advisory Council appointed by the State Board of Education shall develop and maintain a dyslexia resource guide for the use of LEAs, public schools, teachers, and parents.

(21) The Free Application for Federal Student Aid (FAFSA) - Access to Federal Student Aid.

(a) Effective with the 2021-2022 school year, the following requirements shall be fulfilled on behalf of the graduating senior as part of the graduating senior's transition into postsecondary education, training, or the workforce:

1. Submit to the United States Department of Education a Free Application for Federal Student Aid (FAFSA); or

2. Certify a non-participation waiver, in writing, to the superintendent of the local education agency if the graduating senior chooses not to complete and submit FAFSA. Certification of the non-participation waiver may be completed by a parent, legal custodian, legal guardian, or a minor legally emancipated or of the legal age of majority.

(b) If a graduating senior is unable to fulfill the requirements of subsection (a), upon the recommendation of the school principal and school counselor, the superintendent of the local

education agency may waive the graduating senior of the requirements of subsection (a).

(c) The local education agency shall provide students in Grades 11-12 and the students' parents, legal custodians, or legal guardians reasonable support and assistance necessary to comply with subsection (a)

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Statutory Authority: Constitution of Alabama 1901, Amendment No. 284, Code of Ala. 1975, §§16-1-1, 16-2-2, 16-3-11 through 12, 16-3-14, 16-4-14, 16-8-35 through 36, 16-12-8, 16-26-1 through 3, 1982 Acts of Ala. No. 82-482.

History: Revised March 27, 1975, Repromulgated February 19, 1982, June 22, 1982; March 14, 1985 adopted 290-3-1-.06(9)(b) effective April 20, 1985; April 11, 1985 adopted new Rule No. 290-3-1-.06(11.1) and 290-3-1-.06(11.2) effective May 31, 1985; May 9, 1985 adopted 290-3-1-.06(11)-.12ER, 290-3-1-.06(11.1)-.13ER, and 290-3-1-.06(11.2)-.14ER, effective May 24, 1985; June 27, 1985 adopted 290-3-1-.06(11.1)(a-1)-.27ER and 290-3-1-.06(11.2)(a-2)-.28ER, effective 07-10-85; 09-12-85 adopted 290-3-1-.06(11.1)(a-1)-.27ER, and 290-3-1-.06(11.2)(a-2)-.28ER, effective October 28, 1985; September 21, 1985 Rule No. 290-3-1-.06(11)-.12ER and Rule No. 290-3-1-.06(11.1)-.13ER expired; March 13, 1986 adopted 290-3-1-.06(11.1)(a-1), 290-3-1-.06((11.1)(h-1), 290-3-1-.06(11.2)(a-2), 290-3-1-.06(11.1)(h-2) and 290-3-1-.06(12) effective April 23, 1986; August 14, 1986 adopted 290-3-1-.06(11.2)(a-2) and (k-2) effective September 24, 1986; August 14, 1986 adopted 290-3-1-.06(12) effective September 24, 1986; April 9, 1987 amended 290-3-1-.06(12)(a) and repealed 290-3-1-.06(12)(f) effective May 22, 1987; August 13, 1987 adopted 290-3-1-.06(11.1)(a-1) and 290-3-1-.06(11.2)(a-2) effective September 25, 1987; April 28, 1988 adopted new 290-3-1-.06(11.3) effective June 6, 1988; October 13, 1988 amended 290-3-1-.06(11.1)(a-1) and .06(11.2)(a-2), removing completion of the Home and Personal Management course as a requirement for graduation from high school, effective November 28, 1988; December 8, 1988 amended 290-3-1-.06(6) and 290-3-1-.06(10) [to include Social Security Numbers for each child enrolling and effective dates] effective January 18, 1989; 290-3-1-.06(10)(b)(1) adopted as emergency rule August 12, 1993, adopted as permanent rule October 14, 1993.

Amended: Filed May 12, 1995; effective June 16, 1995. **Amended:** Filed April 12, 1996; effective May 17, 1996. **Amended:** Filed May 20, 1997, effective June 24, 1997. **Amended:** Filed July 21, 1997; effective August 25, 1997. **Amended:** Filed August 20, 1997; effective September 24, 1997. **Amended:** Filed

August 14, 1998; effective September 18, 1998. **Amended:** Filed April 12, 1999; effective May 17, 1999. **Amended:** Filed June 15, 1999; effective July 26, 1999. **Amended:** Filed November 9, 2000; effective December 14, 2000. **Amended:** Filed December 14, 2000; effective January 18, 2001. **Amended:** Filed August 8, 2002; effective September 12, 2002. **Amended:** Filed May 8, 2003; effective June 12, 2003. **Amended:** Filed March 11, 2004; effective April 15, 2004. **Amended:** Filed May 13, 2004; effective June 17, 2004. **Amended:** Filed August 12, 2004; effective September 16, 2004. **Amended:** Filed September 9, 2004; effective October 14, 2004. **Amended:** Filed November 18, 2004; effective December 23, 2004. **Amended:** Filed November 10, 2005; effective December 15, 2005. **Amended:** Filed December 8, 2005; effective January 12, 2006. **Amended:** Filed May 11, 2006; effective June 15, 2006. **Amended:** Filed August 7, 2006; effective September 11, 2006. **Amended:** Filed September 14, 2007; effective October 19, 2007. **Amended:** Filed May 8, 2008; effective June 12, 2008. **Amended:** Filed August 5, 2008; effective September 9, 2008. **Amended:** Filed February 12, 2009; effective March 19, 2009. **Amended:** Filed June 11, 2009; effective July 16, 2009. **Amended:** Filed April 14, 2011; effective May 19, 2011. **Amended:** Filed November 14, 2011; effective December 19, 2011. **Amended:** Filed October 10, 2013; effective November 15, 2013. **Amended:** Filed April 9, 2014; effective May 14, 2014. **Amended:** Filed March 11, 2015; effective April 15, 2015. **Amended:** Filed October 8, 2015; effective November 12, 2015. **Amended:** Filed September 8, 2016; effective October 23, 2016. **Amended:** Filed September 13, 2018; effective October 28, 2018. **Amended:** Published April 30, 2021; effective June 14, 2021. **Amended:** Published June 30, 2021; effective August 14, 2021.

Ed Note: Rules 290-3-1-.02 through 290-3-1-.05 of Chapter 290-3-1, Public School Governance, was repealed in the certification filed August 14, 1998; effective September 18, 1998. Rule 290-3-1-.06, was amended and renumbered 290-3-1-.02 in the certification filed August 14, 1998; effective September 18, 1998.