

# WINDOM GALLIHER

## MONTGOMERY UPDATE

MARCH 6, 2015

### **Charter, virtual schools take spot on center stage as Legislature opens 2015 session**

Back in 1999 when he was a freshman Senator in the minority party, Del Marsh was viewed as a thoughtful legislator with a view beyond the next election.

Put simply, he was viewed as a person that if the Republicans ever gained control of the Alabama Senate, then he would not only be a thought leader, he would also be a leader of the body.

It took three terms to get to the point where Sen. Marsh went from Senate rookie to Senate President Pro Tem. Now that he's in his second term as the Senate's leader, he's ready to shift into a higher gear.

Hence his play to bring charter schools to Alabama. In the last term, his first step was to shepherd legislation that created a scholarship program to allow students to leave failing schools for private schools or to other public schools with room to accept them.

It was part vision and part muscle, but the journey proved fruitful as the Accountability Act made it through the Legislature and has survived court challenges, including the final hurdle when the Alabama Supreme Court affirmed the constitutionality of the act.

The logical next step for him as a Republican education reformer is passing a charter school's law, and Sen. Marsh is charging into the fray again.

Charter schools are institutions, either public or private, that can accept state dollars allocated for a student to attend a school that is not necessarily con-



**MAKE NO MISTAKE, SENATE PRESIDENT PRO TEM DEL MARSH (R-ANNISTON) INTENDS FOR CHARTER SCHOOLS TO COME TO ALABAMA**

strained by many of the standards found in normal schools — whether it be tenure for teachers, curricular structure, or traditional qualification standards for instructors.

Alabama is one of the few states that does not have a charter school law, and Marsh aims to change that quite soon — and it doesn't seem worry too much about those who are opposed.

"While there is no silver bullet to cure all problems in education, giving community leaders another tool in their belt ensures that no child's dreams are limited by a lack of educational opportunities," Sen. Marsh said.

Sen. Marsh's bill moved out of the Sen-

ate Education & Youth Affairs Committee on Wednesday. He has promised that the charter legislation will be atop the Senate's to-do list on Tuesday for the third day of the regular session.

State Schools Superintendent Dr. Tommy Bice has been striking "neutral" notes, but the rest of the education apparatus — school boards, AEA and the like — have not. They are opposed. Gov. Robert Bentley has spoken in supportive, but not definitive terms on the legislation.

On Tuesday, Sen. Marsh is expected to offer an amendment to his bill to create a pilot project for two virtual charter schools that would operate on a statewide basis.

## Religious liberty bills start to move in Alabama House

State Rep. Jim Hill (R-Odenville) is a fresh face to the Alabama State House but is familiar to the courthouse, having spent over two decades on the bench as a circuit judge in St. Clair County.

That experience on the bench made Rep. Hill a logical choice to craft the House Republican supermajority's response to recent federal court rulings regarding the state's same-sex marriage ban.

In what could be viewed as an acknowledgment that the United States Supreme Court may very well finish off the task started by U.S. District Judge Ginny Granade in Mobile by overturning the ban, Rep. Hill's bill aims to give cover to the state's judges and ministers from having to perform ceremonies if they object on moral grounds.

The U.S. Supreme Court had already agreed to take up arguments on same-sex marriage bans next month, and Judge Granade could have waited until the matter was settled to rule on a challenge to the Alabama constitutional amendment (approved by 89 percent of the voters), but instead declared the state's ban unconstitutional in a Mobile-based case.

Attempts to stay her ruling have proven fruitless — including a 7-2 loss at the U.S. Supreme Court.

Since the U.S. Supreme Court ruling, there's been a mishmash of policies at the local level as probate judges strug-



**FRESHMAN REP. JIM HILL (R-ODENVILLE) SPONSORS BILL TO GIVE JUDGES THE RIGHT TO REFUSE TO SOLEMNIZE MARRIAGES THAT CONTRADICT WITH THEIR RELIGIOUS BELIEFS**

gled whether to follow the lead of the federal judge or the guidance of Alabama Supreme Court Chief Justice Roy Moore, who opined that until the U.S. Supreme Court ruled on the matter that Judge Granade's ruling was not controlling.

Last week, the Alabama Supreme Court — with Chief Justice Moore abstaining — ordered the state's probate judges to cease issuing licenses to same-sex couples, concurring in Chief Justice Moore's opinion that a lower federal court judge's ruling is not applicable in a state law matter until fully adjudicated by the U.S. Supreme Court.

Another bill by Rep. Mack Butler (R-Rainbow City) would extend freedom for students to express religious views in their school work.

## Gov. Bentley struggles to find sponsors for his revenue bills in House

Traditionally, the State of the State address provides a governor the opportunity to trumpet success, gloss over the bad times and beat the drum for future plans.

On Tuesday, Gov. Robert Bentley banged the drum loudly.

He didn't shy away one bit from his \$541 million tax package, repeating his favored lines that "nothing is more conservative" than getting one's fiscal house in order and that he's been a "conservative Republican his whole life."

State House chatter was plenty audible with open wondering who would sign on to introduce bills that would raise revenue. The Governor's package would theoretically have eight bills, and two of them were introduced this week.

Long-time friend and fellow Shelby County native Rep. Mike Hill (R-Columbiana) introduced the combined reporting/corporate income tax bill that is projected to raise \$20 million.

Another House veteran, Rep. Steve McMillan (R-Gulf Shores), introduced the tobacco tax bill that is projected to raise \$205 million.

None of the other bills in the package has been introduced, and it is not known at this point if any legislators have agreed to sponsor any of the bills.

Even so, both the Senate and House are expected to handle their agenda bills regarding job creation, charter schools and religious liberty before taking up any budget or revenue bills.

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**Note:** The Windom Galliher Montgomery Update will publish weekly during the Legislative Session.