

810-3-61-.08 Percentage of Low-Income Eligible Students in a County. **(REPEALED)**

(1) Scope: A Scholarship Granting Organization (SGO) is required by Act 2013-64, as amended by Act 2013-265 and by Rule 810-3-61-.04, to determine the percentage of Low-Income Eligible Students in the county where the SGO expends the majority of its scholarship funds. In the event an SGO is unable to make a determination of the percentage of low income eligible students in a given county, this rule prescribes an acceptable method of determining the county percentage.

(2) Low-Income Eligible Student, as defined in Section 4 of Act 2013-265, is “a student of a family together with income equal to or less than two times the federal poverty level.”

(3) In determining the percentage of Low-Income Eligible Students in a county, an SGO may use as an acceptable substitute, the percentage of students in the county’s school system who qualify for the free or reduced price school lunch program as published and made available by the State Department of Education as of the beginning of the calendar year for which the percentage will be used.

(4) If the SGO feels that it can make a more accurate determination of the percentage of Low-Income Eligible Students in a county, it may use the documentation and calculation methodology it feels is appropriate, provided it furnishes the documentation and calculation to the department. The burden will be on the SGO to prove the reasonableness of its data and methodology.

(5) The department may recalculate the amounts reported on the SGO’s annual report based on the percentage students qualifying for the free or reduced price lunch program in the county’s school system, if the SGO’s documentation and calculation methodology is determined to be unreasonable or invalid.

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Authority: Sections 40-2A-7(a)(5) and 16-6D-1, Code of Alabama 1975

History: New rule: Filed June 30, 2014, effective August 4, 2014.