

1 SB52
2 126210-4
3 By Senator Brewbaker
4 RFD: Education
5 First Read: 01-MAR-11
6 PFD: 02/28/2011

1 SB52

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4 ENROLLED, An Act,

5 To amend Section 16-13-232, Code of Alabama 1975, as
6 last amended by Act 2010-556, 2010 Regular Session (Acts 2010,
7 p. 1129), relating to the determination of teacher units under
8 the Foundation Program; to require local boards of education
9 to combine fractional teacher and instructional support units
10 to make a whole unit; to allow the local superintendent of
11 education, with approval of the local board of education, to
12 assign those teacher units; and to allow the local board of
13 education to use any funds from uncombined fractional teacher
14 units for salaries and benefits.

15 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

16 Section 1. Section 16-13-232 of the Code of Alabama
17 1975, as last amended by Act 2010-556, 2010 Regular Session
18 (Acts 2010, p. 1129), is amended to read as follows:

19 "§16-13-232.

20 "(a) In determining the number of teacher units for
21 the purpose of apportioning the state Foundation Program, one
22 teacher unit or fraction thereof shall be allowed for the
23 specified number of pupils in average daily membership as
24 provided for in subsection (b), during the first 20 scholastic
25 days following Labor Day of the preceding school year in the

1 public schools. In extreme circumstances involving natural
2 occurrences, health-related occurrences, or other extenuating
3 circumstances as determined and approved by the State
4 Superintendent of Education, average daily membership for
5 local boards of education may be calculated using alternative
6 days to the first 20 scholastic days following Labor Day. Such
7 alternative calculation shall be determined by the State
8 Department of Education on a case by case basis. If a request
9 from a local board is made to the State Superintendent, the
10 superintendent shall submit a report detailing the decision of
11 the superintendent to the Chair of the Senate Finance and
12 Taxation-Education and the House Education Appropriations
13 Committees and to the Department of Examiners of Public
14 Accounts within 30 days following the end of the average daily
15 membership reporting period. Average daily membership is
16 defined as the average number of students enrolled on a daily
17 basis. Each school, at a minimum, shall earn instructional
18 support units based on the accreditation standards of the
19 commissions which comprise the Southern Association of
20 Colleges and Schools or as otherwise required by an
21 accreditation system adopted by the State Board of Education.
22 Instructional support units shall be earned for principals,
23 assistant principals, counselors, and librarians, and shall be
24 added to a school's teacher units to determine total units
25 earned for each school. Notwithstanding the accreditation

1 standards referenced above, every school shall earn one
2 full-time principal unit beginning with the fiscal year
3 2008-2009. An instructional support unit earned for a
4 principal shall be increased by a factor of .7 for high
5 schools, unit schools, and area vocational centers; .6 for
6 middle schools; and .5 for elementary schools. An
7 instructional support unit earned for an assistant principal
8 shall be increased by .3; and an instructional support unit
9 earned for a high school guidance counselor shall be increased
10 by .1. Each area vocational center shall earn only one
11 instructional support unit which shall be a principal
12 (director) and shall continue to earn a counselor should it
13 have received a counselor unit in 1994-95. Beginning in the
14 2009-10 school year, the salary supplement factors for
15 instructional support units, including principals, assistant
16 principals, counselors, and librarians, shall be recommended
17 to the Governor and the Legislature annually by the State
18 Board of Education, but shall not be less than the factors
19 established above. Those local boards of education which show
20 an increase in average daily membership during the first 20
21 scholastic days following Labor Day of the current year may be
22 allowed one additional teacher unit or fraction thereof for
23 each specified number of pupils in subsection (b) in such
24 increase in average daily membership for such current year.
25 Fractional teacher and instructional support units shall be

1 combined to create whole units. Assignment of whole and
2 fractional teacher and instructional support units shall be
3 made by the local superintendent of education and submitted
4 for approval of the local board of education. Any funds
5 remaining from a fractional teacher and instructional support
6 units that are not combined with and used to make a whole
7 teacher or instructional support unit may be used by the local
8 board of education for salaries and benefits.

9 "(b) The grade level divisors for each fiscal year
10 shall be weighted for each grade to provide funding for
11 special education and vocational education. For the 1995-96
12 school year the grade level divisors include for special
13 education 5 percent full time equivalent across all grades
14 weighted 2.5 times the regular student weight. For the 1995-96
15 school year the grade level divisors include for
16 vocational/technical education 7.4 percent full time
17 equivalent in grades 7-8 weighted 1.4 times the regular
18 student weight, and 16.5 percent full time equivalent in
19 grades 9-12 weighted 2.0 times the regular student weight. The
20 weights for special education and vocational education shall
21 be recommended to the Governor and the Legislature annually by
22 the State Board of Education. For the 1995-1996 school year,
23 one teacher unit shall be allowed for each 16 pupils in
24 average daily membership in kindergarten through third grade;
25 one teacher unit shall be allowed for each 24 pupils in

1 average daily membership in grade four through grade six; one
2 teacher unit shall be allowed for each 23 pupils in average
3 daily membership in grade seven through grade eight; and one
4 teacher unit shall be allowed for each 20 pupils in average
5 daily membership in grade nine through grade twelve. Beginning
6 in the 1996-97 school year, the teacher unit divisors shall be
7 recommended to the Governor and the Legislature annually by
8 the State Board of Education, but shall not be higher than the
9 divisors established for the 1995-1996 school year.

10 "(c) It is the intent of the Legislature that local
11 boards of education experiencing increases in average daily
12 membership receive payment for additional current teacher
13 units earned pursuant to subsection (a) as early in the school
14 year as possible. The State Superintendent of Education shall
15 certify to the State Budget Officer the amount for additional
16 current teacher units earned and/or other current expense
17 increase required by subsection (j) and shall adjust the local
18 board of education's regular allocation of state funds, and
19 make requisition on the state Comptroller accordingly, within
20 thirty days of receipt of the first 20 scholastic days
21 membership report.

22 "(d) Current units shall be calculated by comparing
23 the first 20 scholastic days following Labor Day of average
24 daily membership of a current year with that of the prior
25 year. This comparison shall be grade by grade with the prior

1 year first 20 scholastic days following Labor Day average
2 daily membership subtracted from the current year first 20
3 scholastic days following Labor Day average daily membership.
4 The difference shall be divided by the Foundation Program
5 grade divisor for each grade. The result by grade shall be
6 summed over all grades to yield current teacher units by local
7 board of education. No current teacher units shall be earned
8 if the number of units by local board of education is less
9 than or equal to zero. The total of all current teacher units
10 by local board of education determines the number of state
11 current teacher units for the year.

12 "(e) The allocation of funds for current teacher
13 units shall be determined by multiplying the average
14 allocation per teacher unit in the current year Foundation
15 Program.

16 "(f) Current teacher unit calculations shall be
17 completed by the State Department of Education not later than
18 December 1 of the current year and the allocation of current
19 teacher unit funds shall be distributed in accordance with
20 subsection (c).

21 "(g) If funds allocated for current teacher units
22 are insufficient to fully fund current teacher units, the
23 allocation for each current teacher unit shall be prorated
24 accordingly based upon funds available for that purpose.

1 "(h) The State Department of Education shall report
2 to the Governor by December 1 of each year the estimated
3 current teacher units for the next budget year.

4 "(i) Current teacher units shall be allocated only
5 when earned.

6 "(j) Current teacher unit funds not earned shall be
7 distributed to all local boards of education as an increase in
8 other current expense.

9 "(k) Local boards of education have the management
10 responsibility to allocate current teacher unit funds where
11 needed."

12 Section 2. This act shall become effective
13 immediately following its passage and approval by the
14 Governor, or its otherwise becoming law.

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President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB52
Senate 24-MAR-11
I hereby certify that the within Act originated in and passed
the Senate, as amended.

Patrick Harris
Secretary

House of Representatives
Passed: 05-MAY-11

By: Senator Brewbaker