

1 SB271  
2 127601-2  
3 By Senator Orr  
4 RFD: Finance and Taxation Education  
5 First Read: 24-MAR-11

1 SB271  
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ENGROSSED

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7 A BILL  
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TO BE ENTITLED

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16 AN ACT  
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To amend Section 16-13-231, Code of Alabama 1975, relating to K-12 instructional days; to allow a local board of education, upon approval of the State Superintendent of Education, to make up cancelled instructional days due to weather or other extenuating circumstances by adjusting the hours of actual instruction.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 16-13-231 of the Code of Alabama 1975, is amended to read as follows:

"§16-13-231.

"(a) In addition to all other appropriations and apportionments of public school money now provided by law and made available for public schools there shall be apportioned and paid to local boards of education from the Foundation Program Fund, the amounts to be determined as hereinafter provided and in accordance with regulations of the State Board

1 of Education. This Foundation Program Fund shall be used  
2 principally:

3 "(1) To aid in providing at least a 180 full  
4 instructional day minimum school term, except as otherwise  
5 provided in paragraph c. of subdivision (1) of subsection (b);  
6 and,

7 "(2) To assist in the promotion of educational  
8 opportunity for all children in the public schools.

9 "(b) The following requirements and procedures,  
10 supplemented when necessary by regulations of the State Board  
11 of Education, shall govern the apportionment of the fund:

12 "(1) REQUIREMENTS FOR PARTICIPATING IN FUND. In  
13 order for a local board of education to share in the  
14 apportionment of the Foundation Program Fund and to receive  
15 the maximum benefits therefrom, the board shall meet the  
16 following conditions:

17 "a. The appropriate local governing body must insure  
18 that the local board of education within its jurisdiction is  
19 receiving an amount of local tax receipts equivalent to ten  
20 mills of school tax as computed from the most current assessed  
21 valuation of property which comprises the school tax district  
22 or districts of the local board of education. The State  
23 Superintendent of Education shall determine compliance with  
24 this provision of the law in accordance with rules or  
25 procedures adopted by the State Board of Education. In  
26 determining compliance for a county board of education, tax  
27 revenues provided to the county board of education from the

1 county, from whatever tax source derived, shall be considered.  
2 In determining compliance for a city board of education, tax  
3 revenues provided to the city board of education by the county  
4 and the city, from whatever tax source derived, shall be  
5 considered.

6 "b. In the expenditure of all funds available for  
7 the Foundation Program as herein defined, the local board of  
8 education shall as nearly as practicable provide the same  
9 length of term in all schools.

10 "c. The Except as otherwise provided in this  
11 paragraph, the local board of education shall provide a school  
12 term of at least 180 full instructional days beginning with  
13 school year 2006-2007, or such part of that school term as can  
14 be maintained by using funds available and as defined by  
15 regulations of the State Board of Education. In case the local  
16 board of education fails to operate any schools the minimum  
17 180 full instructional day term, or the minimum term as  
18 defined by the State Board of Education, the Foundation  
19 Program allowances of the local board of education shall be  
20 computed only for the actual period the schools are in session  
21 that school year. In extreme circumstances involving natural  
22 occurrences, health-related occurrences, or other extenuating  
23 circumstances that result in the cancellation of an  
24 instructional day, a local board of education may submit a  
25 plan for the approval of the State Superintendent of Education  
26 to replace cancelled instructional days by adjusting the

1                   school calendar to extend the hours of actual teaching time on  
2                   specified instructional days.

3                   " d. The local board of education shall expend funds  
4                   for teachers' salaries in accordance with a salary schedule  
5                   adopted by the local board of education and approved by the  
6                   State Superintendent of Education. The salary schedule shall  
7                   be at least 100 percent of those salary amounts specified in  
8                   the State Minimum Salary Schedule by cell.

9                   " The local board of education shall allocate state  
10                  and local Foundation Program funds to each school in an  
11                  equitable manner, based on the needs of the students and the  
12                  schools, as reflected in the current year's actual student  
13                  populations, including at-risk students, students receiving  
14                  special education services, and students enrolled in  
15                  vocational/technical educational programs. The local board of  
16                  education shall report annually to the State Board of  
17                  Education on how all state and local funds for public  
18                  education, including Foundation Program funds and capital  
19                  outlay funds, have been allocated to each of its schools or  
20                  area vocational centers.

21                  " e. The local board of education shall submit to the  
22                  State Superintendent of Education, under the regulations of  
23                  the State Board of Education, the following:

24                  " 1. A proposed building program which sets out in  
25                  detail the location of all present and proposed buildings;  
26                  which indicates proposed educational centers and grades to be

1 taught at these centers and which provides schools for all  
2 children of the local board of education.

3 "2. Except for those city boards of education not  
4 maintaining a transportation system, a proposed transportation  
5 program showing the proposed routing of buses and the  
6 condition of all roads to be used for transportation.

7 "3. A proposed professional development program  
8 which sets out in detail the professional development needs of  
9 employees of the local board of education.

10 "4. A proposed technology program which sets out in  
11 detail the proposed expenditures of technology funds.

12 "5. A proposed program for the provision of services  
13 to students with disabilities and gifted students in  
14 compliance with applicable state and federal laws.

15 "6. A proposed program for the provision of  
16 vocational educational services in compliance with applicable  
17 state and federal laws.

18 "7. A proposed program for the provision of  
19 educational services to at-risk students in compliance with  
20 applicable state and federal laws. The proposed program for  
21 at-risk students shall include the provision that all funds  
22 allocated shall be spent for at-risk students.

23 "f. The local board of education shall meet such  
24 other standards as may be set up by the State Board of  
25 Education to promote improved educational opportunity and  
26 provide better schools.

"(2) DETERMINING COST OF FOUNDATION PROGRAM. In determining the cost of the Foundation Program, the Legislature, based on the recommendation of the State Board of Education, shall proceed to find the following allowable costs for each local board of education: Teachers' salaries, fringe benefits, classroom instructional support, and other current expense. The rate per employee set by the Legislature for teachers' retirement and employees' health insurance shall be in effect for the entire fiscal year and shall not be increased by the Teachers' Retirement System or the Public Education Employees' Health Insurance Board, except by further action of the Legislature.

"a. The Foundation Program allowance for salaries of teachers shall be determined as follows: The number of teacher units allowed in Section 16-13-232 for each local board of education shall be multiplied by the amount or amounts per teacher unit, which amounts shall be based on the average salaries for each major classification required by the operation of the State Minimum Salary Schedule established by the Legislature in the Education Trust Fund appropriation bill and adopted by the State Board of Education. In recommending to the Governor and the Legislature the State Minimum Salary Schedule the State Board of Education shall give due consideration to degree level, certification, and public education experience. Any teacher, including, but not limited to, a vocational education teacher, currently under contract

1       in excess of 187 days shall not have the term or salary of his  
2       or her contract reduced as a result of this article.

3               **"b.** The Foundation Program allowance for fringe  
4       benefits shall be determined by multiplying a uniform  
5       percentage times the amount of teachers' salaries allowed in  
6       paragraph a. above or by multiplying a fixed rate depending on  
7       the type of fringe benefit. The fringe benefits allowances  
8       shall include amounts for the employer's contribution for  
9       teachers' retirement, health insurance, Social Security,  
10      Medicare, unemployment compensation, personal leave, and sick  
11      leave. The fringe benefits allowance may include allowances  
12      for other fringe benefits as may be approved by the State  
13      Legislature. The State Legislature shall seek the input and  
14      advice of appropriate agencies and individuals in setting  
15      allowances. The Teachers' Retirement System and the Public  
16      Education Employees' Health Insurance Board shall recommend to  
17      the Legislature, on or before the first legislative day of  
18      each regular session of the Legislature, the rate for the  
19      following fiscal year. The Legislature shall set the rate in  
20      the annual appropriation bill.

21               **"c.** The Foundation Program allowance for classroom  
22      instructional support shall be determined by multiplying a  
23      uniform amount times the number of teacher units allowed in  
24      Section 16-13-232. The uniform amount shall include allowances  
25      for library enhancement, classroom materials and supplies,  
26      professional development, and technology. The library  
27      enhancement appropriation shall be for K-12 Public School

1 Library/Media Centers and is an absolute appropriation. Other  
2 expenditures may include book binding, repair, CD Roms,  
3 computer software, computer equipment, cataloging,  
4 audio-visual materials, newspapers, magazines, recordings, and  
5 video tapes. The uniform amount may include allowances for  
6 other classroom instructional support as may be approved by  
7 the State Board of Education. The Foundation Program allowance  
8 for classroom instructional support shall also include an  
9 allowance for textbooks which shall be determined on a per  
10 pupil basis. The number of pupils shall be determined by the  
11 number of pupils in average daily membership during the first  
12 20 scholastic days after Labor Day of the preceding school  
13 year. The State Board of Education shall recommend to the  
14 Governor the amount for each cost factor included in classroom  
15 instructional support on or before December 1 of the current  
16 fiscal year for the ensuing fiscal year.

17 "d. The Foundation Program allowance for other  
18 current expense shall be determined by multiplying a uniform  
19 amount by the number of earned units. The uniform amount shall  
20 be recommended by the State Board of Education to the Governor  
21 on or before December 1 of the current fiscal year for the  
22 ensuing fiscal year.

23 "e. The State Board of Education may cause, from  
24 time to time, a study of allowances for teachers' salaries,  
25 fringe benefits, classroom instructional support, and other  
26 current expense of local boards of education to be conducted

1 and, based on the results of the study, may propose any  
2 necessary changes to the Governor and Legislature.

3                   "f. The total cost of the Foundation Program for any  
4 local board of education shall be the total allowed for  
5 teachers' salaries, for fringe benefits, for classroom  
6 instructional support, and for other current expense. The  
7 allowances herein to the local boards of education shall be  
8 expended subject to all applicable laws, rules, and  
9 regulations; however, the total funds calculated in the total  
10 cost of the Foundation Program for teachers' salaries shall be  
11 expended for salaries within the instructional program.

12                   "(3) DETERMINING FUNDS AVAILABLE TO PROVIDE  
13 FOUNDATION PROGRAM.

14                   "a. The funds available to meet the cost of the  
15 Foundation Program shall be appropriated by the Legislature  
16 taking into consideration an amount of local effort required  
17 on the part of each local board of education. The required  
18 local effort charged against each local board of education for  
19 its share of the cost of the Foundation Program shall be as  
20 follows:

21                   "1. For the 1995-96 fiscal year, the equivalent of  
22 five mills of local school tax district ad valorem tax as  
23 reported pursuant to subsection (b) (1)a.

24                   "2. For the 1996-97 fiscal year, the equivalent of  
25 seven and one-half mills of local school tax district ad  
26 valorem tax as reported pursuant to subsection (b) (1)a.

"3. For the 1997-98 fiscal year, the equivalent of ten mills of local school tax district ad valorem tax as reported pursuant to subsection (b)(1)a.

"4. For each fiscal year thereafter, the equivalent of ten mills of local school tax district ad valorem tax as reported pursuant to subsection (b)(1)a.

"b. After calculating the total cost of the Foundation Program for each local board of education, the state allocation from the Education Trust Fund is calculated by subtracting the local effort required by this section from the total cost. Although the cost of the Foundation Program is calculated for each school, the one sum allocation for each local board of education shall flow monthly to the local board of education. The state funds for the Foundation Program shall be allotted by the State Board of Education consistent with State Board of Education rules and regulations."

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

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3 Senate

4 Read for the first time and referred to the Senate  
5 committee on Finance and Taxation Education ..... 24-MAR-11

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7 Read for the second time and placed on the calen-  
8 dar..... 31-MAR-11

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10 Read for the third time and passed as amended .... 28-APR-11

11 Yeas 27  
12 Nays 0

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15 Patrick Harris  
16 Secretary  
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