

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

SB271

ENROLLED, An Act,

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

"(1) To aid in providing at least a 180 full instructional day minimum school term, except as otherwise

provided in paragraph c. of subdivision (1) of subsection (b);  
and,

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

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

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

"a. The appropriate local governing body must insure  
that the local board of education within its jurisdiction is  
receiving an amount of local tax receipts equivalent to ten  
mills of school tax as computed from the most current assessed  
valuation of property which comprises the school tax district  
or districts of the local board of education. The State  
Superintendent of Education shall determine compliance with  
this provision of the law in accordance with rules or  
procedures adopted by the State Board of Education. In  
determining compliance for a county board of education, tax  
revenues provided to the county board of education from the  
county, from whatever tax source derived, shall be considered.  
In determining compliance for a city board of education, tax

1 revenues provided to the city board of education by the county  
2 and the city, from whatever tax source derived, shall be  
3 considered.

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

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

1 specified instructional days. At any time the Governor  
2 declares a state of emergency for any part of the state, any  
3 affected school system that is closed as a result and loses  
4 student days or employee days, or both, may appeal to the  
5 State Superintendent of Education for relief in fulfilling the  
6 local school calendar with respect to student days or employee  
7 days, or both, with no loss of income to employees.

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

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

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

"1. A proposed building program which sets out in detail the location of all present and proposed buildings; which indicates proposed educational centers and grades to be taught at these centers and which provides schools for all children of the local board of education.

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

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

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

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

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

"7. A proposed program for the provision of educational services to at-risk students in compliance with

1 applicable state and federal laws. The proposed program for  
2 at-risk students shall include the provision that all funds  
3 allocated shall be spent for at-risk students.

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

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

20 "a. The Foundation Program allowance for salaries of  
21 teachers shall be determined as follows: The number of teacher  
22 units allowed in Section 16-13-232 for each local board of  
23 education shall be multiplied by the amount or amounts per  
24 teacher unit, which amounts shall be based on the average  
25 salaries for each major classification required by the

1 operation of the State Minimum Salary Schedule established by  
2 the Legislature in the Education Trust Fund appropriation bill  
3 and adopted by the State Board of Education. In recommending  
4 to the Governor and the Legislature the State Minimum Salary  
5 Schedule the State Board of Education shall give due  
6 consideration to degree level, certification, and public  
7 education experience. Any teacher, including, but not limited  
8 to, a vocational education teacher, currently under contract  
9 in excess of 187 days shall not have the term or salary of his  
10 or her contract reduced as a result of this article.

11 "b. The Foundation Program allowance for fringe  
12 benefits shall be determined by multiplying a uniform  
13 percentage times the amount of teachers' salaries allowed in  
14 paragraph a. above or by multiplying a fixed rate depending on  
15 the type of fringe benefit. The fringe benefits allowances  
16 shall include amounts for the employer's contribution for  
17 teachers' retirement, health insurance, Social Security,  
18 Medicare, unemployment compensation, personal leave, and sick  
19 leave. The fringe benefits allowance may include allowances  
20 for other fringe benefits as may be approved by the State  
21 Legislature. The State Legislature shall seek the input and  
22 advice of appropriate agencies and individuals in setting  
23 allowances. The Teachers' Retirement System and the Public  
24 Education Employees' Health Insurance Board shall recommend to  
25 the Legislature, on or before the first legislative day of

1 each regular session of the Legislature, the rate for the  
2 following fiscal year. The Legislature shall set the rate in  
3 the annual appropriation bill.

4 "c. The Foundation Program allowance for classroom  
5 instructional support shall be determined by multiplying a  
6 uniform amount times the number of teacher units allowed in  
7 Section 16-13-232. The uniform amount shall include allowances  
8 for library enhancement, classroom materials and supplies,  
9 professional development, and technology. The library  
10 enhancement appropriation shall be for K-12 Public School  
11 Library/Media Centers and is an absolute appropriation. Other  
12 expenditures may include book binding, repair, CD Roms,  
13 computer software, computer equipment, cataloging,  
14 audio-visual materials, newspapers, magazines, recordings, and  
15 video tapes. The uniform amount may include allowances for  
16 other classroom instructional support as may be approved by  
17 the State Board of Education. The Foundation Program allowance  
18 for classroom instructional support shall also include an  
19 allowance for textbooks which shall be determined on a per  
20 pupil basis. The number of pupils shall be determined by the  
21 number of pupils in average daily membership during the first  
22 20 scholastic days after Labor Day of the preceding school  
23 year. The State Board of Education shall recommend to the  
24 Governor the amount for each cost factor included in classroom

1 instructional support on or before December 1 of the current  
2 fiscal year for the ensuing fiscal year.

3 "d. The Foundation Program allowance for other  
4 current expense shall be determined by multiplying a uniform  
5 amount by the number of earned units. The uniform amount shall  
6 be recommended by the State Board of Education to the Governor  
7 on or before December 1 of the current fiscal year for the  
8 ensuing fiscal year.

9 "e. The State Board of Education may cause, from  
10 time to time, a study of allowances for teachers' salaries,  
11 fringe benefits, classroom instructional support, and other  
12 current expense of local boards of education to be conducted  
13 and, based on the results of the study, may propose any  
14 necessary changes to the Governor and Legislature.

15 "f. The total cost of the Foundation Program for any  
16 local board of education shall be the total allowed for  
17 teachers' salaries, for fringe benefits, for classroom  
18 instructional support, and for other current expense. The  
19 allowances herein to the local boards of education shall be  
20 expended subject to all applicable laws, rules, and  
21 regulations; however, the total funds calculated in the total  
22 cost of the Foundation Program for teachers' salaries shall be  
23 expended for salaries within the instructional program.

24 "(3) DETERMINING FUNDS AVAILABLE TO PROVIDE  
25 FOUNDATION PROGRAM.

1           "a. The funds available to meet the cost of the  
2     Foundation Program shall be appropriated by the Legislature  
3     taking into consideration an amount of local effort required  
4     on the part of each local board of education. The required  
5     local effort charged against each local board of education for  
6     its share of the cost of the Foundation Program shall be as  
7     follows:

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

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

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

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

20          "b. After calculating the total cost of the  
21    Foundation Program for each local board of education, the  
22    state allocation from the Education Trust Fund is calculated  
23    by subtracting the local effort required by this section from  
24    the total cost. Although the cost of the Foundation Program is  
25    calculated for each school, the one sum allocation for each

1 local board of education shall flow monthly to the local board  
2 of education. The state funds for the Foundation Program shall  
3 be allotted by the State Board of Education consistent with  
4 State Board of Education rules and regulations."

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

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President and Presiding Officer of the Senate

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Speaker of the House of Representatives

SB271

Senate 28-APR-11

I hereby certify that the within Act originated in and passed  
the Senate.

Patrick Harris  
Secretary

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House of Representatives  
Amended and passed 04-MAY-11

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Senate concurred in House amendment 05-MAY-11

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By: Senator Orr