

1 HB43
2 116931-3
3 By Representative Lindsey
4 RFD: Education Appropriations
5 First Read: 12-JAN-10
6 PFD: 11/05/2009

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ENROLLED, An Act,

To amend Section 16-13-232, Code of Alabama 1975, relating to the Foundation Program, to authorize a local board of education, upon approval of the State Superintendent of Education, to use an alternative calculation method provided by the State Department of Education for determining teacher units in certain extreme circumstances.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 16-13-232 of the Code of Alabama 1975, is amended to read as follows:

"§16-13-232.

"(a) In determining the number of teacher units for the purpose of apportioning the state Foundation Program, one teacher unit or fraction thereof shall be allowed for the specified number of pupils in average daily membership as provided for in subsection (b), during the first 20 scholastic days following Labor Day of the preceding school year in the public schools. In extreme circumstances involving natural occurrences, health-related occurrences, or other extenuating circumstances as determined and approved by the State Superintendent of Education, average daily membership for local boards of education may be calculated using alternative days to the first 20 scholastic days following Labor Day. Such alternative calculation shall be determined by the State

1 Department of Education on a case by case basis. If a request
2 from a local board is made to the State Superintendent, he
3 shall submit a report detailing the decision of the
4 superintendent to the chairman of the Senate Finance and
5 Taxation-Education and the House Education Appropriations
6 committees and to the Examiners of Public Accounts within 30
7 days following the end of the ADM reporting period. Average
8 daily membership is defined as the average number of students
9 enrolled on a daily basis. Each school, at a minimum, shall
10 earn instructional support units based on the accreditation
11 standards of the commissions which comprise the Southern
12 Association of Colleges and Schools or as otherwise required
13 by an accreditation system adopted by the State Board of
14 Education. Instructional support units shall be earned for
15 principals, assistant principals, counselors, and librarians,
16 and shall be added to a school's teacher units to determine
17 total units earned for each school. Notwithstanding the
18 accreditation standards referenced above, every school shall
19 earn one full-time principal unit beginning with the fiscal
20 year 2008-2009. An instructional support unit earned for a
21 principal shall be increased by a factor of .7 for high
22 schools, unit schools, and area vocational centers; .6 for
23 middle schools; and .5 for elementary schools. An
24 instructional support unit earned for an assistant principal
25 shall be increased by .3; and an instructional support unit

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

17 "(b) The grade level divisors for each fiscal year
18 shall be weighted for each grade to provide funding for
19 special education and vocational education. For the 1995-96
20 school year the grade level divisors include for special
21 education 5 percent full time equivalent across all grades
22 weighted 2.5 times the regular student weight. For the 1995-96
23 school year the grade level divisors include for
24 vocational/technical education 7.4 percent full time
25 equivalent in grades 7-8 weighted 1.4 times the regular

1 student weight, and 16.5 percent full time equivalent in
2 grades 9-12 weighted 2.0 times the regular student weight. The
3 weights for special education and vocational education shall
4 be recommended to the Governor and the Legislature annually by
5 the State Board of Education. For the 1995-1996 school year,
6 one teacher unit shall be allowed for each 16 pupils in
7 average daily membership in kindergarten through third grade;
8 one teacher unit shall be allowed for each 24 pupils in
9 average daily membership in grade four through grade six; one
10 teacher unit shall be allowed for each 23 pupils in average
11 daily membership in grade seven through grade eight; and one
12 teacher unit shall be allowed for each 20 pupils in average
13 daily membership in grade nine through grade twelve. Beginning
14 in the 1996-97 school year, the teacher unit divisors shall be
15 recommended to the Governor and the Legislature annually by
16 the State Board of Education, but shall not be higher than the
17 divisors established for the 1995-1996 school year.

18 "(c) It is the intent of the Legislature that local
19 boards of education experiencing increases in average daily
20 membership receive payment for additional current teacher
21 units earned pursuant to subsection (a) as early in the school
22 year as possible. The State Superintendent of Education shall
23 certify to the State Budget Officer the amount for additional
24 current teacher units earned and/or other current expense
25 increase required by subsection (j) and shall adjust the local

1 board of education's regular allocation of state funds, and
2 make requisition on the state Comptroller accordingly, within
3 thirty days of receipt of the first 20 scholastic days
4 membership report.

5 "(d) Current units shall be calculated by comparing
6 the first 20 scholastic days following Labor Day of average
7 daily membership of a current year with that of the prior
8 year. This comparison shall be grade by grade with the prior
9 year first 20 scholastic days following Labor Day average
10 daily membership subtracted from the current year first 20
11 scholastic days following Labor Day average daily membership.
12 The difference shall be divided by the Foundation Program
13 grade divisor for each grade. The result by grade shall be
14 summed over all grades to yield current teacher units by local
15 board of education. No current teacher units shall be earned
16 if the number of units by local board of education is less
17 than or equal to zero. The total of all current teacher units
18 by local board of education determines the number of state
19 current teacher units for the year.

20 "(e) The allocation of funds for current teacher
21 units shall be determined by multiplying the average
22 allocation per teacher unit in the current year Foundation
23 Program.

24 "(f) Current teacher unit calculations shall be
25 completed by the State Department of Education not later than

1 December 1 of the current year and the allocation of current
2 teacher unit funds shall be distributed in accordance with
3 subsection (c).

4 "(g) If funds allocated for current teacher units
5 are insufficient to fully fund current teacher units, the
6 allocation for each current teacher unit shall be prorated
7 accordingly based upon funds available for that purpose.

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

11 "(i) Current teacher units shall be allocated only
12 when earned.

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

16 "(k) Local boards of education have the management
17 responsibility to allocate current teacher unit funds where
18 needed."

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

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Speaker of the House of Representatives

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in
and was passed by the House 28-JAN-10, as amended.

Greg Pappas
Clerk

Senate

08-APR-10

Passed