

1 HB43
2 114412-2
3 By Representative Lindsey
4 RFD: Education Appropriations
5 First Read: 12-JAN-10
6 PFD: 11/05/2009

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8 SYNOPSIS: Under existing law, the number of teacher
9 units provided a K-12 public school for the
10 apportioning of Foundation Program funds is based
11 upon the number of pupils in average daily
12 membership at the school during the first 20 days
13 following Labor Day of the preceding school year.

14 This bill would authorize a local board of
15 education, upon approval of the State
16 Superintendent of Education, to use an alternative
17 calculation method provided by the State Department
18 of Education for determining teacher units in
19 certain extreme circumstances.

20
21 A BILL

22 TO BE ENTITLED

23 AN ACT

24
25 To amend Section 16-13-232, Code of Alabama 1975,
26 relating to the Foundation Program, to authorize a local board
27 of education, upon approval of the State Superintendent of

1 Education, to use an alternative calculation method provided
2 by the State Department of Education for determining teacher
3 units in certain extreme circumstances.

4 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

5 Section 1. Section 16-13-232 of the Code of Alabama
6 1975, is amended to read as follows:

7 "§16-13-232.

8 "(a) In determining the number of teacher units for
9 the purpose of apportioning the state Foundation Program, one
10 teacher unit or fraction thereof shall be allowed for the
11 specified number of pupils in average daily membership as
12 provided for in subsection (b), during the first 20 scholastic
13 days following Labor Day of the preceding school year in the
14 public schools. Beginning with the 2009 - 2010 school year, in
15 extreme circumstances involving natural occurrences,
16 health-related occurrences, or other extenuating circumstances
17 as determined and approved by the State Superintendent of
18 Education, average daily membership for local boards of
19 education may be calculated using alternative days to the
20 first 20 scholastic days following Labor Day. Such alternative
21 calculation shall be determined by the State Department of
22 Education on a case by case basis. Average daily membership is
23 defined as the average number of students enrolled on a daily
24 basis. Each school, at a minimum, shall earn instructional
25 support units based on the accreditation standards of the
26 commissions which comprise the Southern Association of
27 Colleges and Schools or as otherwise required by an

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

1 each specified number of pupils in subsection (b) in such
2 increase in average daily membership for such current year.

3 "(b) The grade level divisors for each fiscal year
4 shall be weighted for each grade to provide funding for
5 special education and vocational education. For the 1995-96
6 school year the grade level divisors include for special
7 education 5 percent full time equivalent across all grades
8 weighted 2.5 times the regular student weight. For the 1995-96
9 school year the grade level divisors include for
10 vocational/technical education 7.4 percent full time
11 equivalent in grades 7-8 weighted 1.4 times the regular
12 student weight, and 16.5 percent full time equivalent in
13 grades 9-12 weighted 2.0 times the regular student weight. The
14 weights for special education and vocational education shall
15 be recommended to the Governor and the Legislature annually by
16 the State Board of Education. For the 1995-1996 school year,
17 one teacher unit shall be allowed for each 16 pupils in
18 average daily membership in kindergarten through third grade;
19 one teacher unit shall be allowed for each 24 pupils in
20 average daily membership in grade four through grade six; one
21 teacher unit shall be allowed for each 23 pupils in average
22 daily membership in grade seven through grade eight; and one
23 teacher unit shall be allowed for each 20 pupils in average
24 daily membership in grade nine through grade twelve. Beginning
25 in the 1996-97 school year, the teacher unit divisors shall be
26 recommended to the Governor and the Legislature annually by

1 the State Board of Education, but shall not be higher than the
2 divisors established for the 1995-1996 school year.

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

15 "(d) Current units shall be calculated by comparing
16 the first 20 scholastic days following Labor Day of average
17 daily membership of a current year with that of the prior
18 year. This comparison shall be grade by grade with the prior
19 year first 20 scholastic days following Labor Day average
20 daily membership subtracted from the current year first 20
21 scholastic days following Labor Day average daily membership.
22 The difference shall be divided by the Foundation Program
23 grade divisor for each grade. The result by grade shall be
24 summed over all grades to yield current teacher units by local
25 board of education. No current teacher units shall be earned
26 if the number of units by local board of education is less
27 than or equal to zero. The total of all current teacher units

1 by local board of education determines the number of state
2 current teacher units for the year.

3 "(e) The allocation of funds for current teacher
4 units shall be determined by multiplying the average
5 allocation per teacher unit in the current year Foundation
6 Program.

7 "(f) Current teacher unit calculations shall be
8 completed by the State Department of Education not later than
9 December 1 of the current year and the allocation of current
10 teacher unit funds shall be distributed in accordance with
11 subsection (c).

12 "(g) If funds allocated for current teacher units
13 are insufficient to fully fund current teacher units, the
14 allocation for each current teacher unit shall be prorated
15 accordingly based upon funds available for that purpose.

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

19 "(i) Current teacher units shall be allocated only
20 when earned.

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

24 "(k) Local boards of education have the management
25 responsibility to allocate current teacher unit funds where
26 needed."

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