

1 HB426  
2 128401-1  
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5 Davis, McClurkin, Ison, Williams (J), Rich, Johnson (W),  
6 Sanderford, Roberts, Baughn, Treadaway, Weaver, Moore (B),  
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8 RFD: Education Policy  
9 First Read: 31-MAR-11

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8 SYNOPSIS: Under existing law, a local board of  
9 education is required to provide 180 full  
10 instructional days per school year.

11 This bill would allow a local board of  
12 education, upon approval of the State  
13 Superintendent of Education, to make up cancelled  
14 instructional days due to weather or other  
15 extenuating circumstances by adjusting the hours of  
16 actual instruction.

17  
18 A BILL  
19 TO BE ENTITLED  
20 AN ACT  
21

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

1 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

2 Section 1. Section 16-13-231 of the Code of Alabama  
3 1975, is amended to read as follows:

4 "§16-13-231.

5 "(a) In addition to all other appropriations and  
6 apportionments of public school money now provided by law and  
7 made available for public schools there shall be apportioned  
8 and paid to local boards of education from the Foundation  
9 Program Fund, the amounts to be determined as hereinafter  
10 provided and in accordance with regulations of the State Board  
11 of Education. This Foundation Program Fund shall be used  
12 principally:

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

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

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

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

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

17           "b. In the expenditure of all funds available for  
18 the Foundation Program as herein defined, the local board of  
19 education shall as nearly as practicable provide the same  
20 length of term in all schools.

21           " ~~c. The~~ Except as otherwise provided in this  
22 paragraph, the local board of education shall provide a school  
23 term of at least 180 full instructional days beginning with  
24 school year 2006-2007, or such part of that school term as can  
25 be maintained by using funds available and as defined by  
26 regulations of the State Board of Education. In case the local  
27 board of education fails to operate any schools the minimum

1 180 full instructional day term, or the minimum term as  
2 defined by the State Board of Education, the Foundation  
3 Program allowances of the local board of education shall be  
4 computed only for the actual period the schools are in session  
5 that school year. In extreme circumstances involving natural  
6 occurrences, health-related occurrences, or other extenuating  
7 circumstances that result in the cancellation of an  
8 instructional day, a local board of education may submit a  
9 plan for the approval of the State Superintendent of Education  
10 to replace cancelled instructional days by adjusting the  
11 school calendar to extend the hours of actual teaching time on  
12 specified instructional days.

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

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

1 education, including Foundation Program funds and capital  
2 outlay funds, have been allocated to each of its schools or  
3 area vocational centers.

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

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

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

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

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

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

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

1           "7. A proposed program for the provision of  
2 educational services to at-risk students in compliance with  
3 applicable state and federal laws. The proposed program for  
4 at-risk students shall include the provision that all funds  
5 allocated shall be spent for at-risk students.

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

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

22           "a. The Foundation Program allowance for salaries of  
23 teachers shall be determined as follows: The number of teacher  
24 units allowed in Section 16-13-232 for each local board of  
25 education shall be multiplied by the amount or amounts per  
26 teacher unit, which amounts shall be based on the average  
27 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  
26 each regular session of the Legislature, the rate for the

1 following fiscal year. The Legislature shall set the rate in  
2 the annual appropriation bill.

3 "c. The Foundation Program allowance for classroom  
4 instructional support shall be determined by multiplying a  
5 uniform amount times the number of teacher units allowed in  
6 Section 16-13-232. The uniform amount shall include allowances  
7 for library enhancement, classroom materials and supplies,  
8 professional development, and technology. The library  
9 enhancement appropriation shall be for K-12 Public School  
10 Library/Media Centers and is an absolute appropriation. Other  
11 expenditures may include book binding, repair, CD Roms,  
12 computer software, computer equipment, cataloging,  
13 audio-visual materials, newspapers, magazines, recordings, and  
14 video tapes. The uniform amount may include allowances for  
15 other classroom instructional support as may be approved by  
16 the State Board of Education. The Foundation Program allowance  
17 for classroom instructional support shall also include an  
18 allowance for textbooks which shall be determined on a per  
19 pupil basis. The number of pupils shall be determined by the  
20 number of pupils in average daily membership during the first  
21 20 scholastic days after Labor Day of the preceding school  
22 year. The State Board of Education shall recommend to the  
23 Governor the amount for each cost factor included in classroom  
24 instructional support on or before December 1 of the current  
25 fiscal year for the ensuing fiscal year.

26 "d. The Foundation Program allowance for other  
27 current expense shall be determined by multiplying a uniform

1 amount by the number of earned units. The uniform amount shall  
2 be recommended by the State Board of Education to the Governor  
3 on or before December 1 of the current fiscal year for the  
4 ensuing fiscal year.

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

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

20 "(3) DETERMINING FUNDS AVAILABLE TO PROVIDE  
21 FOUNDATION PROGRAM.

22 "a. The funds available to meet the cost of the  
23 Foundation Program shall be appropriated by the Legislature  
24 taking into consideration an amount of local effort required  
25 on the part of each local board of education. The required  
26 local effort charged against each local board of education for

1 its share of the cost of the Foundation Program shall be as  
2 follows:

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

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

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

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

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

25 Section 2. This act shall become effective on the  
26 first day of the third month following its passage and  
27 approval by the Governor, or its otherwise becoming law.

