

1 SB52  
2 126210-2  
3 By Senator Brewbaker  
4 RFD: Education  
5 First Read: 01-MAR-11  
6 PFD: 02/28/2011

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4 ENGROSSED

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7 A BILL  
8 TO BE ENTITLED  
9 AN ACT

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11 To amend Section 16-13-232, Code of Alabama 1975, as  
12 last amended by Act 2010-556, 2010 Regular Session (Acts 2010,  
13 p. 1129), relating to the determination of teacher units under  
14 the Foundation Program; to require local boards of education  
15 to combine fractional teacher and instructional support units  
16 to make a whole unit; to allow the local superintendent of  
17 education, with approval of the local board of education, to  
18 assign those teacher units; and to allow the local board of  
19 education to use any funds from uncombined fractional teacher  
20 units for salaries and benefits.

21 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

22 Section 1. Section 16-13-232 of the Code of Alabama  
23 1975, as last amended by Act 2010-556, 2010 Regular Session  
24 (Acts 2010, p. 1129), is amended to read as follows:

25 "§16-13-232.

26 "(a) In determining the number of teacher units for  
27 the purpose of apportioning the state Foundation Program, one

1 teacher unit or fraction thereof shall be allowed for the  
2 specified number of pupils in average daily membership as  
3 provided for in subsection (b), during the first 20 scholastic  
4 days following Labor Day of the preceding school year in the  
5 public schools. In extreme circumstances involving natural  
6 occurrences, health-related occurrences, or other extenuating  
7 circumstances as determined and approved by the State  
8 Superintendent of Education, average daily membership for  
9 local boards of education may be calculated using alternative  
10 days to the first 20 scholastic days following Labor Day. Such  
11 alternative calculation shall be determined by the State  
12 Department of Education on a case by case basis. If a request  
13 from a local board is made to the State Superintendent, the  
14 superintendent shall submit a report detailing the decision of  
15 the superintendent to the Chair of the Senate Finance and  
16 Taxation-Education and the House Education Appropriations  
17 Committees and to the Department of Examiners of Public  
18 Accounts within 30 days following the end of the average daily  
19 membership reporting period. Average daily membership is  
20 defined as the average number of students enrolled on a daily  
21 basis. Each school, at a minimum, shall earn instructional  
22 support units based on the accreditation standards of the  
23 commissions which comprise the Southern Association of  
24 Colleges and Schools or as otherwise required by an  
25 accreditation system adopted by the State Board of Education.  
26 Instructional support units shall be earned for principals,  
27 assistant principals, counselors, and librarians, and shall be

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

1 combined to create whole units. Assignment of whole and  
2 fractional teacher and instructional support units shall be  
3 made by the local superintendent of education and submitted  
4 for approval of the local board of education. Any funds  
5 remaining from a fractional teacher and instructional support  
6 units that are not combined with and used to make a whole  
7 teacher or instructional support unit may be used by the local  
8 board of education for salaries and benefits.

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

1 daily membership in grade seven through grade eight; and one  
2 teacher unit shall be allowed for each 20 pupils in average  
3 daily membership in grade nine through grade twelve. Beginning  
4 in the 1996-97 school year, the teacher unit divisors shall be  
5 recommended to the Governor and the Legislature annually by  
6 the State Board of Education, but shall not be higher than the  
7 divisors established for the 1995-1996 school year.

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

20 "(d) Current units shall be calculated by comparing  
21 the first 20 scholastic days following Labor Day of average  
22 daily membership of a current year with that of the prior  
23 year. This comparison shall be grade by grade with the prior  
24 year first 20 scholastic days following Labor Day average  
25 daily membership subtracted from the current year first 20  
26 scholastic days following Labor Day average daily membership.  
27 The difference shall be divided by the Foundation Program

1 grade divisor for each grade. The result by grade shall be  
2 summed over all grades to yield current teacher units by local  
3 board of education. No current teacher units shall be earned  
4 if the number of units by local board of education is less  
5 than or equal to zero. The total of all current teacher units  
6 by local board of education determines the number of state  
7 current teacher units for the year.

8 "(e) The allocation of funds for current teacher  
9 units shall be determined by multiplying the average  
10 allocation per teacher unit in the current year Foundation  
11 Program.

12 "(f) Current teacher unit calculations shall be  
13 completed by the State Department of Education not later than  
14 December 1 of the current year and the allocation of current  
15 teacher unit funds shall be distributed in accordance with  
16 subsection (c).

17 "(g) If funds allocated for current teacher units  
18 are insufficient to fully fund current teacher units, the  
19 allocation for each current teacher unit shall be prorated  
20 accordingly based upon funds available for that purpose.

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

24 "(i) Current teacher units shall be allocated only  
25 when earned.

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

4                   "(k) Local boards of education have the management  
5 responsibility to allocate current teacher unit funds where  
6 needed."

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



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Senate

Read for the first time and referred to the Senate  
committee on Education..... 01-MAR-11

Read for the second time and placed on the calen-  
dar 1 amendment..... 09-MAR-11

Read for the third time and passed as amended .... 24-MAR-11

Yeas 35  
Nays 0

Patrick Harris  
Secretary