

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

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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 and may be a fractional
13 number.

14 This bill would allow local boards of
15 education to combine fractional teacher units to
16 make a whole unit and would allow the local board
17 of education to place those teachers where needed
18 in the school system.

19 This bill would also provide that any funds
20 received by a local board of education for a
21 fractional unit, that are not combined to make a
22 whole teacher unit, shall be available for use by
23 the local board of education for salaries and
24 benefits.

25
26 A BILL
27 TO BE ENTITLED

1 AN ACT

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3 To amend Section 16-13-232, Code of Alabama 1975, as
4 last amended by Act 2010-556, 2010 Regular Session (Acts 2010,
5 p. 1129), relating to the determination of teacher units under
6 the Foundation Program; to allow local boards of education to
7 combine fractional teacher units to make a whole unit; to
8 allow the local superintendent of education, with approval of
9 the local board of education, to assign those teacher units;
10 and to allow the local board of education to use any funds
11 from uncombined fractional teacher units for salaries and
12 benefits.

13 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

14 Section 1. Section 16-13-232 of the Code of Alabama
15 1975, as last amended by Act 2010-556, 2010 Regular Session
16 (Acts 2010, p. 1129), is amended to read as follows:

17 "§16-13-232.

18 "(a) In determining the number of teacher units for
19 the purpose of apportioning the state Foundation Program, one
20 teacher unit or fraction thereof shall be allowed for the
21 specified number of pupils in average daily membership as
22 provided for in subsection (b), during the first 20 scholastic
23 days following Labor Day of the preceding school year in the
24 public schools. In extreme circumstances involving natural
25 occurrences, health-related occurrences, or other extenuating
26 circumstances as determined and approved by the State
27 Superintendent of Education, average daily membership for

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

1 instructional support unit earned for an assistant principal
2 shall be increased by .3; and an instructional support unit
3 earned for a high school guidance counselor shall be increased
4 by .1. Each area vocational center shall earn only one
5 instructional support unit which shall be a principal
6 (director) and shall continue to earn a counselor should it
7 have received a counselor unit in 1994-95. Beginning in the
8 2009-10 school year, the salary supplement factors for
9 instructional support units, including principals, assistant
10 principals, counselors, and librarians, shall be recommended
11 to the Governor and the Legislature annually by the State
12 Board of Education, but shall not be less than the factors
13 established above. Those local boards of education which show
14 an increase in average daily membership during the first 20
15 scholastic days following Labor Day of the current year may be
16 allowed one additional teacher unit or fraction thereof for
17 each specified number of pupils in subsection (b) in such
18 increase in average daily membership for such current year.
19 Fractional teacher units may be combined to create whole
20 units. Assignment of whole and fractional teacher units shall
21 be made by the local superintendent of education and submitted
22 for approval of the local board of education. Any funds
23 remaining from a fractional teacher unit that are not combined
24 with and used to make a whole teacher unit may be used by the
25 local board of education for salaries and benefits.

26 " (b) The grade level divisors for each fiscal year
27 shall be weighted for each grade to provide funding for

1 special education and vocational education. For the 1995-96
2 school year the grade level divisors include for special
3 education 5 percent full time equivalent across all grades
4 weighted 2.5 times the regular student weight. For the 1995-96
5 school year the grade level divisors include for
6 vocational/technical education 7.4 percent full time
7 equivalent in grades 7-8 weighted 1.4 times the regular
8 student weight, and 16.5 percent full time equivalent in
9 grades 9-12 weighted 2.0 times the regular student weight. The
10 weights for special education and vocational education shall
11 be recommended to the Governor and the Legislature annually by
12 the State Board of Education. For the 1995-1996 school year,
13 one teacher unit shall be allowed for each 16 pupils in
14 average daily membership in kindergarten through third grade;
15 one teacher unit shall be allowed for each 24 pupils in
16 average daily membership in grade four through grade six; one
17 teacher unit shall be allowed for each 23 pupils in average
18 daily membership in grade seven through grade eight; and one
19 teacher unit shall be allowed for each 20 pupils in average
20 daily membership in grade nine through grade twelve. Beginning
21 in the 1996-97 school year, the teacher unit divisors shall be
22 recommended to the Governor and the Legislature annually by
23 the State Board of Education, but shall not be higher than the
24 divisors established for the 1995-1996 school year.

25 "(c) It is the intent of the Legislature that local
26 boards of education experiencing increases in average daily
27 membership receive payment for additional current teacher

1 units earned pursuant to subsection (a) as early in the school
2 year as possible. The State Superintendent of Education shall
3 certify to the State Budget Officer the amount for additional
4 current teacher units earned and/or other current expense
5 increase required by subsection (j) and shall adjust the local
6 board of education's regular allocation of state funds, and
7 make requisition on the state Comptroller accordingly, within
8 thirty days of receipt of the first 20 scholastic days
9 membership report.

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

25 "(e) The allocation of funds for current teacher
26 units shall be determined by multiplying the average

1 allocation per teacher unit in the current year Foundation
2 Program.

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

8 "(g) If funds allocated for current teacher units
9 are insufficient to fully fund current teacher units, the
10 allocation for each current teacher unit shall be prorated
11 accordingly based upon funds available for that purpose.

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

15 "(i) Current teacher units shall be allocated only
16 when earned.

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

20 "(k) Local boards of education have the management
21 responsibility to allocate current teacher unit funds where
22 needed."

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