

1 SB22  
2 163982-3  
3 By Senator Holtzclaw  
4 RFD: Finance and Taxation Education  
5 First Read: 03-MAR-15  
6 PFD: 02/05/2015

1 SB22

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4 ENROLLED, An Act,

5 To amend Section 16-13-231, Code of Alabama 1975,  
6 the Flexible School Calendar Act of 2012; to remove the  
7 temporary academic school calendar parameters provided for the  
8 2013-2014 school year; to allow each local board of education  
9 to provide the required 180 full instructional days based on  
10 an hourly equivalent of no less than 1080 instructional hours;  
11 and in connection therewith to have as its purpose or effect  
12 the requirement of a new or increased expenditure of local  
13 funds; and in connection therewith would have as its purpose  
14 or effect the requirement of a new or increased expenditure of  
15 local funds within the meaning of Amendment 621 of the  
16 Constitution of Alabama of 1901, now appearing as Section  
17 111.05 of the Official Recompilation of the Constitution of  
18 Alabama of 1901, as amended.

19 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

20 Section 1. Section 16-13-231 of the Code of Alabama  
21 1975, is amended to read as follows:

22 "§16-13-231.

23 "(a) In addition to all other appropriations and  
24 apportionments of public school money now provided by law and  
25 made available for public schools there shall be apportioned

1 and paid to local boards of education from the Foundation  
2 Program Fund, the amounts to be determined as hereinafter  
3 provided and in accordance with regulations of the State Board  
4 of Education. This Foundation Program Fund shall be used  
5 principally:

6 "(1) To aid in providing at least a 180 full  
7 instructional day minimum school term, or the hourly  
8 equivalent thereof, except as otherwise provided in paragraph  
9 c. of subdivision (1) of subsection (b); and,

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

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

15 "(1) REQUIREMENTS FOR PARTICIPATING IN FUND. In  
16 order for a local board of education to share in the  
17 apportionment of the Foundation Program Fund and to receive  
18 the maximum benefits therefrom, the board shall meet the  
19 following conditions:

20 "a. The appropriate local governing body must insure  
21 that the local board of education within its jurisdiction is  
22 receiving an amount of local tax receipts equivalent to ten  
23 mills of school tax as computed from the most current assessed  
24 valuation of property which comprises the school tax district  
25 or districts of the local board of education. The State

1 Superintendent of Education shall determine compliance with  
2 this provision of the law in accordance with rules or  
3 procedures adopted by the State Board of Education. In  
4 determining compliance for a county board of education, tax  
5 revenues provided to the county board of education from the  
6 county, from whatever tax source derived, shall be considered.  
7 In determining compliance for a city board of education, tax  
8 revenues provided to the city board of education by the county  
9 and the city, from whatever tax source derived, shall be  
10 considered.

11 "b. In the expenditure of all funds available for  
12 the Foundation Program as herein defined, the local board of  
13 education shall as nearly as practicable provide the same  
14 length of term in all schools.

15 ~~"c.1. Except as otherwise provided in this~~  
16 ~~paragraph, the~~ The local board of education shall provide a  
17 school term of at least 180 full instructional days, or the  
18 hourly equivalent ~~thereof, beginning with school year~~  
19 ~~2012-2013 and ending with the last day of the third month of~~  
20 ~~the 2013-2014 school year, or such part of that school term as~~  
21 ~~can be maintained by using funds available and as defined by~~  
22 ~~regulations of the State Board of Education~~ of no less than  
23 1080 instructional hours. The local academic school calendar  
24 shall be annually established by the local board of education,  
25 within the parameters of subparagraph 3. In case the local

1 board of education fails to operate any schools the minimum  
2 180 full instructional day term, or the hourly equivalent  
3 thereof, or the minimum term as defined by the State Board of  
4 Education, the Foundation Program allowances of the local  
5 board of education shall be computed only for the actual  
6 period the schools are in session that school year.

7 "2. In extreme circumstances involving natural  
8 occurrences, health-related occurrences, or other extenuating  
9 circumstances that result in the cancellation of an  
10 instructional day, a local board of education may submit a  
11 plan for the approval of the State Superintendent of Education  
12 to replace cancelled instructional days by adjusting the  
13 school calendar to extend the hours of actual teaching time on  
14 specified instructional days. At any time the Governor  
15 declares a state of emergency for any part of the state, any  
16 affected school system that is closed as a result and loses  
17 student days or employee days, or both, may appeal to the  
18 State Superintendent of Education for relief in fulfilling the  
19 local school calendar with respect to student days or employee  
20 days, or both, with no loss of income to employees.

21 ~~"3. Beginning with the 2012-2013 school year and~~  
22 ~~ending with the last day of the third month of the 2013-2014~~  
23 ~~school year, a~~ The local board of education, in providing the  
24 minimum required number of instructional days or hours, shall  
25 have greater flexibility in establishing the school calendar

1 by adjusting the days or extending the hours of actual  
2 teaching or instructional time provided on specified  
3 instructional days for the schools under the jurisdiction of  
4 the local board. The academic school calendar, established by  
5 the local board of education, shall include the minimum  
6 required number of instructional days or hours, ~~with the first~~  
7 ~~day of instruction for students no earlier than the Monday two~~  
8 ~~calendar weeks before Labor Day, unless August 31 is a Monday,~~  
9 ~~then on Monday, August 17, and the last day of instruction for~~  
10 ~~students shall be no later than the Friday immediately before~~  
11 ~~Memorial Day.~~

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

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

1 Education on how all state and local funds for public  
2 education, including Foundation Program funds and capital  
3 outlay funds, have been allocated to each of its schools or  
4 area vocational centers.

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

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

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

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

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

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

1           "6. A proposed program for the provision of  
2 vocational educational services in compliance with applicable  
3 state and federal laws.

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

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

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



1            "a. The Foundation Program allowance for salaries of  
2 teachers shall be determined as follows: The number of teacher  
3 units allowed in Section 16-13-232 for each local board of  
4 education shall be multiplied by the amount or amounts per  
5 teacher unit, which amounts shall be based on the average  
6 salaries for each major classification required by the  
7 operation of the State Minimum Salary Schedule established by  
8 the Legislature in the Education Trust Fund appropriation bill  
9 and adopted by the State Board of Education. In recommending  
10 to the Governor and the Legislature the State Minimum Salary  
11 Schedule the State Board of Education shall give due  
12 consideration to degree level, certification, and public  
13 education experience. Any teacher, including, but not limited  
14 to, a vocational education teacher, currently under contract  
15 in excess of 187 days shall not have the term or salary of his  
16 or her contract reduced as a result of this article.

17            "b. The Foundation Program allowance for fringe  
18 benefits shall be determined by multiplying a uniform  
19 percentage times the amount of teachers' salaries allowed in  
20 paragraph a. above or by multiplying a fixed rate depending on  
21 the type of fringe benefit. The fringe benefits allowances  
22 shall include amounts for the employer's contribution for  
23 teachers' retirement, health insurance, Social Security,  
24 Medicare, unemployment compensation, personal leave, and sick  
25 leave. The fringe benefits allowance may include allowances

1 for other fringe benefits as may be approved by the State  
2 Legislature. The State Legislature shall seek the input and  
3 advice of appropriate agencies and individuals in setting  
4 allowances. The Teachers' Retirement System and the Public  
5 Education Employees' Health Insurance Board shall recommend to  
6 the Legislature, on or before the first legislative day of  
7 each regular session of the Legislature, the rate for the  
8 following fiscal year. The Legislature shall set the rate in  
9 the annual appropriation bill.

10 "c. The Foundation Program allowance for classroom  
11 instructional support shall be determined by multiplying a  
12 uniform amount times the number of teacher units allowed in  
13 Section 16-13-232. The uniform amount shall include allowances  
14 for library enhancement, classroom materials and supplies,  
15 professional development, and technology. The library  
16 enhancement appropriation shall be for K-12 Public School  
17 Library/Media Centers and is an absolute appropriation. Other  
18 expenditures may include book binding, repair, CD Roms,  
19 computer software, computer equipment, cataloging,  
20 audio-visual materials, newspapers, magazines, recordings, and  
21 video tapes. The uniform amount may include allowances for  
22 other classroom instructional support as may be approved by  
23 the State Board of Education. The Foundation Program allowance  
24 for classroom instructional support shall also include an  
25 allowance for textbooks which shall be determined on a per

1 pupil basis. The number of pupils shall be determined by the  
2 number of pupils in average daily membership during the first  
3 20 scholastic days after Labor Day of the preceding school  
4 year. The State Board of Education shall recommend to the  
5 Governor the amount for each cost factor included in classroom  
6 instructional support on or before December 1 of the current  
7 fiscal year for the ensuing fiscal year.

8 "d. The Foundation Program allowance for other  
9 current expense shall be determined by multiplying a uniform  
10 amount by the number of earned units. The uniform amount shall  
11 be recommended by the State Board of Education to the Governor  
12 on or before December 1 of the current fiscal year for the  
13 ensuing fiscal year.

14 "e. The State Board of Education may cause, from  
15 time to time, a study of allowances for teachers' salaries,  
16 fringe benefits, classroom instructional support, and other  
17 current expense of local boards of education to be conducted  
18 and, based on the results of the study, may propose any  
19 necessary changes to the Governor and Legislature.

20 "f. The total cost of the Foundation Program for any  
21 local board of education shall be the total allowed for  
22 teachers' salaries, for fringe benefits, for classroom  
23 instructional support, and for other current expense. The  
24 allowances herein to the local boards of education shall be  
25 expended subject to all applicable laws, rules, and

1 regulations; however, the total funds calculated in the total  
2 cost of the Foundation Program for teachers' salaries shall be  
3 expended for salaries within the instructional program.

4 "(3) DETERMINING FUNDS AVAILABLE TO PROVIDE  
5 FOUNDATION PROGRAM.

6 "a. The funds available to meet the cost of the  
7 Foundation Program shall be appropriated by the Legislature  
8 taking into consideration an amount of local effort required  
9 on the part of each local board of education. The required  
10 local effort charged against each local board of education for  
11 its share of the cost of the Foundation Program shall be as  
12 follows:

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

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

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

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

1            "b. After calculating the total cost of the  
2            Foundation Program for each local board of education, the  
3            state allocation from the Education Trust Fund is calculated  
4            by subtracting the local effort required by this section from  
5            the total cost. Although the cost of the Foundation Program is  
6            calculated for each school, the one sum allocation for each  
7            local board of education shall flow monthly to the local board  
8            of education. The state funds for the Foundation Program shall  
9            be allotted by the State Board of Education consistent with  
10           State Board of Education rules and regulations.

11           "(c) No local board of education may reduce the  
12           amount in any cell of any employee salary schedule, or  
13           otherwise reduce the compensation of any employee, based upon  
14           the amendments to this section made by Act 2012-482 or upon  
15           any future modification to its calendar or schedule pursuant  
16           to the amendments to this section made by Act 2012-482. Salary  
17           appropriations in all future Education Trust Fund budgets  
18           shall be based upon the number of contract days allocated by  
19           the Legislature, or the hourly equivalent thereof."

20           Section 2. Although this bill would have as its  
21           purpose or effect the requirement of a new or increased  
22           expenditure of local funds, the bill is excluded from further  
23           requirements and application under Amendment 621, now  
24           appearing as Section 111.05 of the Official ReCompilation of

1 the Constitution of Alabama of 1901, as amended, because the  
2 bill requires expenditures only by a school board.

3 Section 3. This act shall become effective on the  
4 first day of the third month following its passage and  
5 approval by the Governor, or its otherwise becoming law.

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President and Presiding Officer of the Senate

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Speaker of the House of Representatives

SB22

Senate 09-APR-15

I hereby certify that the within Act originated in and passed the Senate.

Patrick Harris  
Secretary

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House of Representatives  
Passed: 02-JUN-15

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By: Senator Holtzclaw