SB271
127601-3
By Senator Orr
RFD: Finance and Taxation Education
First Read: 24-MAR-11
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ENROLLED, An Act,

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

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

"§16-13-231.

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

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

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

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

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

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

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

"c. Except as otherwise provided in this paragraph,
the local board of education shall provide a school term of at
least 180 full instructional days beginning with school year
2006-2007, or such part of that school term as can be
maintained by using funds available and as defined by
regulations of the State Board of Education. In case the local
board of education fails to operate any schools the minimum
180 full instructional day term, or the minimum term as
defined by the State Board of Education, the Foundation
Program allowances of the local board of education shall be
computed only for the actual period the schools are in session
that school year. In extreme circumstances involving natural
occurrences, health-related occurrences, or other extenuating
circumstances that result in the cancellation of an
instructional day, a local board of education may submit a
plan for the approval of the State Superintendent of Education
to replace cancelled instructional days by adjusting the
school calendar to extend the hours of actual teaching time on
specified instructional days. At any time the Governor declares a state of emergency for any part of the state, any affected school system that is closed as a result and loses student days or employee days, or both, may appeal to the State Superintendent of Education for relief in fulfilling the local school calendar with respect to student days or employee days, or both, with no loss of income to employees.

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

"The local board of education shall allocate state and local Foundation Program funds to each school in an equitable manner, based on the needs of the students and the schools, as reflected in the current year's actual student populations, including at-risk students, students receiving special education services, and students enrolled in vocational/technical educational programs. The local board of education shall report annually to the State Board of Education on how all state and local funds for public education, including Foundation Program funds and capital outlay funds, have been allocated to each of its schools or area vocational centers.
"e. The local board of education shall submit to the State Superintendent of Education, under the regulations of the State Board of Education, the following:

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

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

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

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

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

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

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

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

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

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

"b. The Foundation Program allowance for fringe
benefits shall be determined by multiplying a uniform
percentage times the amount of teachers' salaries allowed in
paragraph a. above or by multiplying a fixed rate depending on
the type of fringe benefit. The fringe benefits allowances
shall include amounts for the employer's contribution for
teachers' retirement, health insurance, Social Security,
Medicare, unemployment compensation, personal leave, and sick
leave. The fringe benefits allowance may include allowances
for other fringe benefits as may be approved by the State
Legislature. The State Legislature shall seek the input and
advice of appropriate agencies and individuals in setting
allowances. The Teachers' Retirement System and the Public
Education Employees' Health Insurance Board shall recommend to
the Legislature, on or before the first legislative day of
each regular session of the Legislature, the rate for the
following fiscal year. The Legislature shall set the rate in
the annual appropriation bill.

"c. The Foundation Program allowance for classroom
instructional support shall be determined by multiplying a
uniform amount times the number of teacher units allowed in
Section 16-13-232. The uniform amount shall include allowances
for library enhancement, classroom materials and supplies,
professional development, and technology. The library
enhancement appropriation shall be for K-12 Public School
Library/Media Centers and is an absolute appropriation. Other
expenditures may include book binding, repair, CD Roms,
computer software, computer equipment, cataloging,
audio-visual materials, newspapers, magazines, recordings, and
video tapes. The uniform amount may include allowances for
other classroom instructional support as may be approved by
the State Board of Education. The Foundation Program allowance
for classroom instructional support shall also include an
allowance for textbooks which shall be determined on a per
pupil basis. The number of pupils shall be determined by the
number of pupils in average daily membership during the first
20 scholastic days after Labor Day of the preceding school
year. The State Board of Education shall recommend to the
Governor the amount for each cost factor included in classroom
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1 instructional support on or before December 1 of the current
2 fiscal year for the ensuing fiscal year.
3 "d. The Foundation Program allowance for other
4 current expense shall be determined by multiplying a uniform
5 amount by the number of earned units. The uniform amount shall
6 be recommended by the State Board of Education to the Governor
7 on or before December 1 of the current fiscal year for the
8 ensuing fiscal year.
9 "e. The State Board of Education may cause, from
10 time to time, a study of allowances for teachers' salaries,
11 fringe benefits, classroom instructional support, and other
12 current expense of local boards of education to be conducted
13 and, based on the results of the study, may propose any
14 necessary changes to the Governor and Legislature.
15 "f. The total cost of the Foundation Program for any
16 local board of education shall be the total allowed for
17 teachers' salaries, for fringe benefits, for classroom
18 instructional support, and for other current expense. The
19 allowances herein to the local boards of education shall be
20 expended subject to all applicable laws, rules, and
21 regulations; however, the total funds calculated in the total
22 cost of the Foundation Program for teachers' salaries shall be
23 expended for salaries within the instructional program.
24 "(3) DETERMINING FUNDS AVAILABLE TO PROVIDE
25 FOUNDATION PROGRAM.
"a. The funds available to meet the cost of the Foundation Program shall be appropriated by the Legislature taking into consideration an amount of local effort required on the part of each local board of education. The required local effort charged against each local board of education for its share of the cost of the Foundation Program shall be as follows:

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

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

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

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

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

Section 2. This act shall become effective
immediately following its passage and approval by the
Governor, or its otherwise becoming law.
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President and Presiding Officer of the Senate

Speaker of the House of Representatives

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Senate 28-APR-11
I hereby certify that the within Act originated in and passed the Senate.

Patrick Harris
Secretary

House of Representatives
Amended and passed 04-MAY-11

Senate concurred in House amendment 05-MAY-11

By: Senator Orr

APPROVED

TIME 12:15 p.m.
May 5, 2011

Alabama Secretary Of State
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