April 28, 2011

MEMORANDUM

TO: County and City Superintendents

FROM: Joseph B. Morton
State Superintendent of Education

RE: Storm Damage/Makeup Days

The devastation of yesterday’s storms and tornadoes is hard to comprehend and understand. The loss of one life is a tragedy. The loss of more than 160 lives is mindboggling. I know we all pray for the families who suffered a death or serious injury yesterday.

We are trying to accurately assess the damages. As you do local assessments, please share them with Mr. Perry Taylor, State School Architect, at ptaylor@alsde.edu. Mr. Taylor will keep Dr. Craig Pouncey and me updated. We will do everything possible to assist you with arranging for portable classrooms, loaned buses, surplus school furniture, etc.

Some of you have some schools that are in good shape and some that are totally destroyed. You may want to consider asking churches, community centers, community colleges, and other facilities to assist in providing spaces for school to resume. I realize that power outages are critical and some may consider having split shifts in schools and providing meals from satellite lunchrooms. One lesson that has been learned from these kinds of tragedies is that students and families need the routine and stability in their lives that is brought about by attending school.

I visited with the members of the State Board of Education this morning and updated them on the situation as we know it. They share your grief and sorrow. As I shared with them, the inevitable question is, “Do we have to make up days lost due to the storms?” Section 16-13-231 of the Code of Alabama provides for 180 full instructional days for students per school year. It further states, “In case the local board of education fails to operate any school the minimum 180 full instructional day term, the LEA only receives state funding for the actual period the schools were in session. Also, if teachers and support personnel do not work their full contract, they do not get paid. “Forgiving days” is not only not permitted, but it would reduce pay for your employees.

The good news is that I have worked with Senator Arthur Orr, Decatur, and Representative Ed Henry, Hartselle, to amend the law on school makeup days. Following yesterday and last night’s events, I called Senator Orr this morning and asked for two favors. The first was to ask that the Senate approve S.B. 271 today (it had previously been approved in committee) and
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amend the bill to indicate that it would be effective immediately. The Senate approved a Special Order Calendar consisting of one bill (S.B. 271) and adopted it, as amended, unanimously. The House had adjourned but left the Journal open in order to receive the bill. The House can adopt the bill by Wednesday, May 4, and send it to Governor Bentley for his signature. If this goes well, you can utilize this bill this school year.

As we work together to help all affected by the storms, please make sure you contact your House members and ask for full support of S.B. 271 next week. It will help in all kinds of situations involving natural disasters and other emergencies.

Thank you for how each of you go about your jobs daily. You will face displaced families, devastated employees and families, and extremely challenging logistical issues in the days and weeks ahead. I know each of you will reach out to those affected and make any accommodations possible during this last month of school. Graduation ceremonies should continue as planned, even though they may be held in different locations than originally scheduled.

Please contact Dr. Craig Pouncey, Mr. Perry Taylor, or me if there are any questions or if anything herein is not clear.

JBM:LKM
FY11-1018
SB271
127601-1
By Senator Orr
RFD: Finance and Taxation Education
First Read: 24-MAR-11

Adopted Unanimously by the Alabama Senate - 4/28/11
Should be on the House Floor on May 4.
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.

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
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 on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.