

# advocate for SCHOOLS



TO SEE A LIST OF BILLS TRACKED BY AASB  
DURING THE 2021 REGULAR SESSION,  
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## Major Bills Prioritized

As promised, lawmakers quickly moved corona-virus– related relief bills and economic incentives in the first week of the session. These include:

- Liability protection from virus-related lawsuits;
- State income tax exemptions from federal CARE stimulus payments; and
- Alabama jobs and recruitment incentives

The Legislature is following a fast-paced three-day work week schedule for two weeks. Lawmakers will take a break for one week to determine if safety protocols are working and make plans to continue session.

**Corona Virus  
Information  
for School Systems  
RESOURCES**

**2021 Regular  
Legislative Session**

27 days remain

## Legislative 2021 Session Starts—Strong Budget Forecast

Lawmakers convened Tuesday for the 2021 Regular Legislative Session with encouraging budget proposals: a 6% education budget increase; a 2% pay raise for education employees; and a generous K-12 supplemental appropriation for this year. Expect budget bills to move in late March as lawmakers work amid stringent health and safety protocols, limited public access and an uncertain legislative schedule.

### Governor's \$7.6 billion ETF budget

The governor unveiled her FY22 Education Trust Fund budget proposal with a \$440 million increase over last year's budget.

Increases include:

- 2% pay raise for education employees estimated to cost \$88 million;
- Classroom materials \$400 (\$1,000/unit)
- Technology \$50 (\$400/unit)
- Substitute pay \$15 to \$95/day
- Alabama Reading Initiative - \$20 million
- Advanced Placement - \$2 million
- High needs special ed - \$15.2 million
- Licensed interpreter teachers for deaf/hearing-impaired students- \$8.5 million
- Special Ed Pre-K - \$12 million
- National Board Certified Teachers - \$2.3 million
- Gifted students - \$1 million
- School based mental health - \$1 million
- Career Tech - \$10.8 million

**Teacher Stabilization Program** - Ivey's budget proposal includes \$95.3 million for a one-time appropriation to protect local school systems from taking a funding hit after the COVID-related decline in student enrollment.

The unexpected loss of student enrollment would mean funding an insufficient number of education staff when many of these students return to school in the fall of 2021.

**Lawmakers can breathe a sigh of relief because Alabama's financial picture is sound compared to many states struggling with financial losses during the pandemic.**

**See legislative budget hearing presentation.** The additional revenue plus the assurance that the current fiscal year is safe from budget cuts (proration) is credited to lawmaker's conservative budgeting, healthy state revenue and the budgeting process adopted in the Rolling Reserve Act.

**The budget S. 189 (Orr) and the pay raise S.188 (Orr) will begin in the Senate this year.** Expect the Senate and House to each adopt substitutes reflecting their priorities. A joint conference committee will hammer out differences before sending the budget to the governor for signature.

**The state Department of Education's state foundation budget breakdown of the governor's budget is not yet available.**

Look for a detailed budget breakdown in next week's newsletter.

### Strengthen Tier II Retirement

**Local school leaders strongly support a proposal to revise Tier 2 retirement benefits to help the state hire and keep its teachers.** Under the proposal, unused sick leave would accrue to be used toward retirement service instead of being forfeited upon retirement. And employees would be able to retire at age 62 or after 30 years of service.

**Adopted in 2013, the Tier 2 plan cut retirement benefits by 20 percent.**

Designed to offset hits to the retirement system due to the recession and address unfunded liability, the changes were too aggressive, greatly exceeded savings timelines and hurt the state's ability to find and keep quality educators. [H.93 \(Baker\)/S.51 \(Chesteen\)](#) would improve the retirement benefit while continuing to address unfunded liability. Local school leaders support revising Tier 2.

### **\$364 M: Advancement & Technology Fund**

**A supplemental appropriation from the Advancement & Technology Fund (ATF) would provide \$364 million to K-12 public schools to spend this fiscal year.** [S.193 \(Orr\)](#) appropriates monies accrued as a function of the Rolling Reserve Act. State revenues collected beyond the fiscal year appropriations are first deposited in a Budget Stabilization Account based on the prior year's budget. Any additional revenue flows to the ATF and the legislature may provide a supplemental appropriation in the current fiscal year.

#### **The ATF supplemental appropriations for K-12:**

- **2018:** \$41.2 million
- **2019:** \$128.7 million
- **2020:** \$178.9 million
- **2021:** \$245 million (proposed)

The legislature was conservative last year and did not appropriate the full ATF amount available for 2020. Lawmakers may again act cautiously and not appropriate the full amount in 2021 due to future economic uncertainty. ATF funding may be used for: Repairs and maintenance; classroom instructional support; insurance for facilities; transportation; acquisition/purchase of education technology and school security.

### **Funding School System Growth**

**The Senate quickly approved [S.9 \(Elliot\)](#) Thursday to incorporate a student growth factor in the Education Foundation formula.** The Foundation program uses student enrollment numbers called Average Daily Membership (ADM) to calculate annual funding for the following school year. The proposed formula would add a growth component to include the net year over year growth in the preceding two school years and adjusts to reflect virtual student funding. The projected cost for the ETF is \$9.8 million in FY22. Senators unanimously approved the bill which is now pending in the House Ways & Means Education committee.

### **Strengthen Local Governance: B.E.S.T.**

**A bill to Build Exceptional School Board Teams (BEST) would increase the effectiveness of local school governance and improve the 2012 law addressing school board training, standards and accountability.** [S.170 \(Figures\)/H.338 \(Estes\)](#) represent a task force proposal regarding school board member roles and expectations. Task force members included school superintendents, administrators, board members and the SDE who identified a need to define terms and increase accountability and enforcement.

**Local public school officials seek to hold themselves to high expectations, just as they do for school staff and students.** The bill strengthens and provides a mechanism and process for review and enforcement when a school board member falls short of their role and responsibilities. The bill would provide improved enforcement mechanisms for residency, training and attendance requirements, define neglect of duty and willful misconduct in the Code of Conduct while providing due process protections. Last year, both bills were unanimously approved by committee before the session came to an abrupt end.

### **Open Records Act Rewrite**

**A bill to revise Alabama Open Records Act greatly concerns local school leaders.** [S.165 \(Orr\)](#) does not balance the public's right to access information with the practical ability for schools and other public entities to comply and function. AASB is working with other impacted entities to address the proposals unrealistic expectations, costs and penalties.

### **Education-related Bill Activity**

[S.103 \(Barfoot\)](#) - **Charter schools for military bases** - would amend the Alabama School Choice & Opportunity Act to allow a charter school on or near military installations to serve military family dependents. The Senate unanimously approved the bill Thursday.

[S.16 \(Jones\)](#) - **Alternative teaching certificates for military** - would authorize the State Board of Education to establish an alternative teaching certificate for qualified members of the U.S. Armed Forces. The Senate unanimously approved the bill Thursday.

[H.187 \(Collins\)/S.15 \(Jones\)](#) - **Competitive bids for local boards** - would allow leases and lease/purchase agreements to be exempted from the competitive bid law when made through national or regional cooperative purchasing agreements. Approved as **amended** by House & Senate committees.

### **Selected Bill Introductions**

[H.336 \(Garrett\)](#) - **State textbook committee** - would revise current statute and specify that the criteria to be used by the committee shall be comprised of correlation with the courses of study, instructional planning and support and other criteria as determined by the State Superintendent of Education.

[H.208 \(Warren\)](#) - **Mandatory kindergarten** - would require children to enroll in kindergarten at age 5, with exceptions.

[H.260 \(Rich\)](#) - **Teacher Bill of Rights** - would create a Teacher Bill of Rights and direct each local board to provide to every employee.

[H.203 \(Wadsworth\)](#) - **Open Meetings Act** - would amend the Alabama Open Meetings Act to include in the definition of deliberation, an exchange of information or ideas among or in the presence of a quorum of members.