

advocate for SCHOOLS



TO SEE A LIST OF BILLS TRACKED BY AASB
DURING THE 2021 REGULAR SESSION,
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Priority Bills Await Signature

Lawmakers approved key legislation for Gov. Ivey's signature in a fast-paced two weeks. The bills include: Covid-19 liability protection; tax exemptions for COVID relief funding and the Alabama Jobs Act and economic recruitment incentives. Lawmakers will take a break next week to review how the new safety protocols worked and determine next steps. Look for education priorities, gaming legislation and a broadband expansion proposal when lawmakers return. The Legislature reconvenes Tuesday, Feb. 23.

Action in Real Time

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**2021 Regular
Legislative Session**

**24
days remain**

Up next: Retirement, Kindergarten and Governance

After sending time-sensitive bills to the governor, lawmakers prioritized key education bills before leaving for a one-week break. The House approved a modified Tier II teacher retirement bill, and House committees teed up bills to address school board accountability and kindergarten completion. The B.E.S.T. Act and kindergarten proposals are scheduled on the House special order agenda when lawmakers return Tuesday, Feb. 23.

Revised Tier II Retirement Package Clears House

The House Thursday overwhelmingly approved [H.93 \(Baker\)](#) to strengthen the Tier II retirement benefits for education employees. Bill sponsor Rep. Alan Baker said the changes are needed to keep teachers in our schools, especially with the stress and challenges they tackle each day to keep learning going in their classrooms. The improvements restore competitiveness for Alabama's K-12 public schools, which are losing teachers to neighboring states offering more generous retirement packages.

Last year's proposal would have created a Tier III plan with an increased retirement benefit. This year's bill is a slimmed down version addressing sick leave and retirement eligibility. Tier II employees would be able to convert accrued sick leave into retirement service credit. Employees could retire after 30 years of service or upon reaching eligibility at age 62. The benefit would apply to new employees and current Tier II employees (hired since 2013). Employees would bear

part of the cost with a payroll deduction increase from 6% to 6.75%. The trimmed proposal takes the Education Trust Fund (ETF) cost from last year's estimated \$14.9 million to \$3 million. The modified Tier II proposal gained momentum with its reduced cost and narrower focus. [See comparison chart of current and proposed Tier II modification.](#) K-12 school systems need this bill as they struggle to keep schools running and students learning. Local school leaders urge senators to [vote YES to H.93 \(Baker\)](#).

Unanimous Support for B.E.S.T. Act

House and Senate Education Policy Committee members unanimously approved [S.170 \(Figures\)](#) and [H.338 \(Estes\)](#) in their respective committees Wednesday. "The legislature isn't forcing this on school board members. They are asking for the authority to govern and hold themselves accountable," said House sponsor Rep. Tracy Estes. "This is a great thing," said Senate sponsor Sen. Vivian Davis Figures. "It makes school board members better."

The Building Exceptional School Board Teams (B.E.S.T.) Act would build on the 2012 School Board Governance Improvement Act. [See B.E.S.T. Act summary.](#) That law instituted training requirements, governance standards and accountability measures. After its implementation, stakeholders created a task force to review whether the act is effective and found it helps improve school boards' knowledge base and service. The review also revealed the law needed clear definitions, a pathway

to create qualified school board candidates and an enforcement mechanism. B.E.S.T. would: strengthen qualifications; provide a mechanism to enforce residency, attendance and training requirements; define neglect of duty and willful misconduct in the code of conduct; create a due process structure and Peer Review Panel; and specify enforcement options, including censure, sanction or removal which must be approved by the elected State Board of Education.

The B.E.S.T. Act is a call by school leaders for school leaders to model the behavior they expect from students and employees. B.E.S.T. retains the high expectations and builds on them with clear definitions, a deliberate process that includes multiple safeguards and an ability to enforce accountability provisions. Local school board members are proud to bring this self-accountability proposal and urge lawmakers to support **S.170 (Figures) and H.338 (Estes)**. Urge representatives to vote YES on H.338 (Estes) scheduled to be on the House special order agenda Tuesday, Feb. 23.

Complete Kindergarten before First Grade

The focus to ensure children are ready to learn and succeed in school continues with H.208 (Warren), a bill to require kindergarten completion before first grade. The compulsory school age would remain six years of age under the proposal. The bill adds a prerequisite that would specify at age six, a child is entitled to enroll in first grade if he/she has successfully completed kindergarten or are deemed ready by a local assessment. Children would be eligible to enroll in kindergarten if they turn age five by September 1 or by local exception if they turn age 5 by Dec. 31. The bill would become effective for the 2021-22 school year.

The House Education Policy Committee Thursday approved the bill and commended sponsor Rep. Peblin Warren for her commitment to this issue. Local school board members urge House members to vote YES on H.208 (Warren) scheduled to be on the House special order agenda Tuesday, February 23.

LEGISLATIVE ACTION

H.76 (Jackson) - Seizure Safe Schools Act - would authorize a seizure management and treatment plan for students while attending school and school activities. **Approved as amended by House committee.**

H.220 (Ledbetter) - School construction management - would transfer construction management for K-12 public schools to the SDE. **Approved by House committee.**

S.15 (Jones) - Competitive Bid Laws - would amend the competitive bid laws to allow city and county boards of education to include leases and lease/purchase agreements made through national or regional cooperative purchasing agreements. **Passed Senate.**

S.16 (Jones) - Alternative certificates for military - would authorize an alternative teaching certificate for qualified members of the U.S. Armed Forces. **Pending final passage in House.**

S.92 (Smitherman) - K-12 student mental health program - would require the SDE to develop a program to address the mental health of public K-12 students who

are considered at-risk for developing inadequate social-behavioral skills such as ADHD or anger management issues in the classroom. **Approved as substituted by Senate committee.**

S.109 (Gudger) - Lowest responsible bidder - would allow entities to negotiate with the lowest responsible bidder when all bids received exceed funding available. **Passed Senate.**

S.196 (Figures) - Sex education - would revise content, course materials and instruction in public schools regarding sex education or the human reproductive process. **Approved as amended by Senate committee.**

EDUCATION-RELATED BILLS

H.354 (Robertson) - Firearms on school property - would make it unlawful to discharge a firearm on school property during/after school hours. Discharging a firearm in a school building or school bus is already a felony.

H.375 (Sorrell) - Prohibits advocacy on ballot - would prohibit public officials/employees from expending public funds to advocate in favor of or against a statewide or local ballot measure.

H.383 (Mooney) - Repeal of Common Core - would terminate the use of the standards known as Common Core in Alabama's College and Career Ready Standards.

H.391 (Stadthagen) - Gender of Athletes - would prohibit public K-12 schools from allowing student athletes to compete against different biological birth genders, unless a co-ed team.

H.407 (Collins) - State Seal of Biliteracy - would recognize graduates who demonstrate specified proficiency of English and at least one other language with a seal on their diploma.

S.203 (Smitherman) - Student discipline - would prohibit any pre-K through 5th grade student from being suspended/expelled unless the physical safety of others is threatened; would prohibit a student from being suspended/expelled for truancy or tardiness violations.

S.217 (Melson)/H.336 (Garrett) - State textbook committee - would revise current statute and specify that the committee would use criteria including correlation with the courses of study, instructional planning and support and other criteria as determined by the State Superintendent of Education.

S.225 (Stutts) - Alabama Teacher Initiative - would provide scholarships for teacher preparation program for students attending a public two- or four-year college in Alabama. Students would contract with ACHE to teach for five years after certification in rural areas of the state with the greatest need for STEM and special education teachers in grades 7-12.

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ALABAMA ASSOCIATION OF SCHOOL BOARDS

LEGISLATIVE & POLICY AGENDA

2021