

# advocate for SCHOOLS



TO SEE A LIST OF BILLS TRACKED BY AASB  
DURING THE 2021 REGULAR SESSION,  
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## Slow Going as Legislature Returns; Work to be Done

### Legislature this week

#### Executive Power

The Legislature approved a bill to limit the governor and state/local authority to act during a pandemic.

The bill would allow businesses and churches to remain open and prohibits the governor from determining which businesses can be open or closed during a state of emergency.

#### Wine & Spirits:

The House approved legislation to authorize the delivery of beer, wine and liquor to Alabama residences.

### Legislative Schedule

April 5: Three-day week

#### School System Snapshots

[HERE.](#)

### 2021 Regular Legislative Session

12 days remain

**Lawmakers returned from spring break this week with the Senate in slow-down mode and the House plowing through bills.** The legislative session is past the half-way mark and pressure mounts for key legislation to move through committees and be selected for floor consideration. Meanwhile, lawmakers are wading through contentious issues such as whether the legislative branch should limit executive power, changing election and voting laws and requiring school sport participation by birth gender. School leaders are focused on K-12 budget needs. The ETF budget is expected to start its House journey in the HWME committee the third week of April.

#### School System Growth Formula

**By a 89-1 vote, the House Thursday gave final passage to [S.9 \(Elliott\)](#), the bill to add a growth factor to the state funding formula for school systems.** While the change provides help to systems with increasing student enrollment, it holds harmless school systems with static or declining student enrollment. The bill awaits the governor's signature.

#### B.E.S.T. to Pause

**It happens — legislation can be swept up in a negative political undercurrent when contentious issues push into unrelated bills.** The climate put [S.170 \(Figures/Estes\)](#) into a precarious position Thursday. The Senate lauded local school leaders' effort to lead by example and hold themselves accountable to high standards. But after the Senate's unanimous passage, a negative narrative surfaced in the House. Despite the

hard work of the bill sponsors and local school board members, the charged atmosphere threatened to project unrelated, contentious issues onto the local school board governance bill. It was time to hit the pause button. Nevertheless, local school leaders will continue to set high standards and hold themselves accountable as local public officials working on behalf of public schoolchildren.

#### Open Records Act: Unworkable

**The Senate Judiciary Committee Wednesday approved [S.165 \(Orr\)](#), a bill to revise the Public Records Act.** AASB General Counsel **Jayne Harrell Williams** testified at the public hearing and said a new open records law is needed, but not this one. Williams explained that the bill is unrealistic, subject to abuse and would cost school systems excessive time and money to comply. Williams' comments hit home. Committee members requested and the sponsor agreed that more work must be done to address concerns before the bill is considered on the Senate floor. AASB opposes S.165 (Orr) in its current form and stands ready to collaborate on a viable rewrite.

#### K-12 Sports Broadcasting Rights

**The House voted 98-0 Thursday to approve [H.248 \(Rich\)](#), a bill regarding K-12 sports broadcasting rights.** The bill is intended to ensure broadcasters for K-12 sports negotiate directly with schools to cover sports events. The sponsor added an agreed-upon amendment to specify each K-12 school shall have sole authority to determine which media entities may cover or

broadcast its regular season sports events. The bill next moves to the Senate Education Committee.

### Open Enrollment

**A bill that requires schools to enroll students from outside the school system was introduced Thursday.**

**S. 365 (Marsh)** provides the Open Schools Act of 2021 and would take effect in the 2022-23 school year. It would:

- require nonresident students to pay an amount equal to the per-student share of net local tax revenue, as determined by the SDE;
- require local school boards to adopt policies and procedures, including whether to give priority to students attending schools identified as a priority or failing school; and
- specify no school would be required to make structural alterations, add programming, waive established criteria for existing programs or provide transportation.

**School systems may deny enrollment if:**

- there is lack of space or teaching staff;
- appropriate programs/facilities are unavailable to meet special needs;
- the student doesn't meet specified enrollment criteria;
- it would violate a desegregation order; or
- the student has been or is being expelled.

**No legislation is needed to allow school board choice to have an open-enrollment policy.** AASB believes each school board should retain its authority to make student enrollment policies for its school system. The bill is scheduled to have a public hearing next week in the Senate Education Committee.

### Education Budget Status

**House members are working behind the scenes to make changes to the Senate-approved budget.** Traditionally, the House adopts a substitute budget that then moves to a joint conference committee to reconcile differences from the Senate version. **S.189 (Orr), the \$6.7 billion FY23 Education Trust Fund budget is pending in HWME. [See the Budget Spreadsheet.](#)**

### Budget-Related Bills

**S.188 (Orr): Pay Raise** - would provide a 2% pay raise to educators. Note, this is on top of a bump in salaries for teachers with nine or more years experience. **[Proposed salary schedule.](#)**

**S.193 (Orr): ATF** - would release half of the available reserves in the Advancement & Technology Fund and provide \$246 million for public k-12 schools to use for authorized purposes.

**S.327 (Chesteen): TEAMS Act** - would create an alternative career pathway with an increased salary structure for math and science teachers. **[TEAMS overview.](#)**

**H.93 (Baker): Tier 2** - The Senate FTE Committee did not meet this week, and the Tier 2 bill awaits committee

action. Sponsors plan to limit the proposal to sick leave conversion and allow sick leave to accrue toward retirement service credit. The goal is to lower teacher absenteeism by removing the "use-it-or-lose-it" policy and reduce costs for finding substitute teachers.

### Education-related Bills Introduced

**H.572 (Hurst) - Work-based Learning** - would require school boards to post information about work-based learning opportunities on school websites and provide this information to students in an orientation each semester. Introduced.

**S. 355 (Whatley) - Increase Compulsory School Age** - would increase the compulsory attendance age from 17 to 18 years of age; raise the age of school withdrawal from 18 to 19 years of age; and prohibit a public school denying a student enrollment solely based on age if the student is under 20 years of age OR because the student is not "on track to graduate." Introduced.

### Education-related Bill Activity

**H.76 (Jackson) - Seizure Safe Schools Act** - would permit a student health care plan to include the administration of seizure medication by an unlicensed medication assistant who received specified training. Approved by Senate committee.

**H.175 (Lovvorn) - Student Loan Repayment** - would add computer science teachers to the AMSTEP program which provides student loan repayment for high school math and science teachers in underserved areas. Approved by House.

**H.208 (Warren) - Kindergarten** - would require a child to successfully complete kindergarten or demonstrate first-grade readiness before being enrolled in first grade. Approved by Senate committee.

**H.246 (Gray) - Yoga in Schools** - would authorize local school boards to offer yoga as an elective activity. Carried-over by Senate committee.

**H.391 (Stadthagen) - K-12 School Sports** - would prohibit public schools from allowing student athletes to compete against different biological birth genders unless on a coed team. Approved Senate committee.

**H.486 (Scott) - Extended Learning Opportunities Act** - would provide a process for public K-12 students to participate in elective credit courses for extended learning opportunities outside of school. Approved by House.

**H.487 (Collins) - Revise Charter School Funding** - would revise state funding and allow limited local funding to follow students who reside within the county where the charter school is located. Carried-over on House floor.

**H.498 (Collins) - Alabama Credential and Transparency Act** - would provide a free, searchable database for education and occupation credentials, competencies and workforce programs. Approved by House.

**S.217 (Melson) - State Textbook Committee** - would revise current statute and criteria. Approved by House committee.