

advocate for SCHOOLS



TO SEE A LIST OF BILLS TRACKED BY AASB
DURING THE 2020 REGULAR SESSION,
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Open Records Act

The Senate Government Affairs Committee began its consideration of [S.57 \(Ward\)](#) to rewrite the Open Records Act Tuesday. After the sponsor spoke and the public hearing began, the committee ran out of time and the Chair deferred action until next week. AASB was ready to speak in opposition to the bill's unrealistic expectations but was unable to testify before the committee adjourned.

Advocacy Days

Spend a day in Montgomery with AASB staff to experience the legislative process, interact with lawmakers and earn two training hours. Register today!
[March 10](#) - Districts 1,2,3
[April 7](#) - Districts 4,5,6

Advocacy 2.0

Dig even deeper into the lawmaking process and join AASB for legislative committee meetings. Attendees must have completed an Advocacy Day since 2015 to participate.

[April 22](#)

[May 6](#)

2020 Regular Legislative Session

22
days remain



K-12 Applauds \$1 Billion Education Bond Bill

Lawmakers sped through a hectic legislative week, discussing student expulsions, a new STEM council, municipal taxes and teacher rights, but newly introduced bills take center stage. Thursday, Sen. Arthur Orr introduced the much anticipated \$1 billion education bond issue for capital improvements.

[S.242 \(Orr\)](#), the **Investing in Alabama's Future Act**, authorizes the **Alabama Public School and College Authority to issue \$729.7 million to K-12 public schools, \$96 million to the Alabama Community College System and \$174.3 million to institutions of higher education for capital improvements**. These improvements mean capital outlay projects including the planning, designing, inspecting, purchasing, constructing, reconstructing, improving, repairing or renovating of permanent buildings and facilities. The funds also may be used for repayment of debt incurred for capital improvements.

The last state education bond issue passed in 2007 and was required to be expended in three years. School systems have waited, made do and deferred much-needed capital investments for 10 years. The current proposal also requires the funds be expended within three years or be subject to reallocation by the Authority.

Due to a \$548 million diversion to the Alabama Prepaid College Tuition (PACT) program in 2010, it took longer to repay the bond issue. Now, the state has increased bond capacity and can take advantage of favorable interest rates. [S.242 \(Orr\)](#) has been assigned to the Senate Finance and Taxation Education Committee.

School Leaders Seek Improved Local Governance: B.E.S.T.

Sen. Vivian Davis Figures Thursday introduced [S.243 \(Figures\)](#), the Building Exceptional School Board Teams (B.E.S.T.) Act. The proposal is a request from a task force of school leaders representing school board members, superintendents, administrators, and the State Department of Education to strengthen local school board governance. The task force reviewed the 2012 School Board Governance Improvement Act the legislature enacted to require board member training, increase qualifications and code of conduct adoption. Since the 2012 act's implementation, the task force identified a need to define terms and increase accountability and enforcement provisions.

B.E.S.T. is unique as 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 proposal recodifies the current law as a new chapter of Title 16 with new provisions.

[S.243 \(Figures\)](#) would first require a **local board attempt to address potential issues before triggering any further action.** Upon local action or the state superintendent unilaterally determining action is warranted, the bill would provide a state peer review panel to determine if there was a failure to comply. The bill provides a structure for due process for board members subject to review and outlines potential pen-

alties for violations, including censure, sanction and removal as a remedy for the most egregious violations. The legislature revised the state impeachment law, and it appears to no longer apply to local school board members.

B.E.S.T. would build on current law. The bill would enhance qualifications for office, 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. [See B.E.S.T. issue brief for details.](#)

Student Discipline Process

The Senate Education Committee Wednesday approved [S.189 \(Smitherman\)](#) to require a uniform hearing process when a student is expelled or suspended from school for more than 10 days. The bill prohibits any pre-K through 5th grade student being suspended/expelled unless the physical safety of others is threatened. It also prohibits a student being suspended/expelled for truancy or tardiness violations. AASB, school superintendents and the State Department of Education testified about the bill's practical application and legal cost concerns. Expulsion and suspension are the last resort for school leaders who are accountable for the safety and learning environment for students and staff. The sponsor voiced his intent to ensure due process and impartiality. The sponsor also agreed to consider changes to address concerns, and the committee approved S.189.

Teacher Bill of Rights

[H.214 \(Rich\)](#) would create the Teacher Bill of Rights with the intent to support of educators' authority in schools. The House Education Policy Committee Wednesday held a public hearing with AEA/education employee entities speaking in support while school board attorney Carl Johnson voiced AASB's concerns about unintended consequences with proposed language. Concerns include broad, vague language that would be difficult to interpret and the need to ensure the bill does not create division among school employees, administrators and school boards. Following committee discussion, Chair Terri Collins urged collaboration before the committee takes a vote on the bill. AASB, SSA and the State Department of Education are working on language with the sponsor to ensure the bill shows united support for teachers and mitigates unintended consequences.

Limit to Municipal Tax Authority to Governor Should Governor Ivey sign [H.147 \(Sells\)](#), municipalities no longer will have authority to impose an occupational or license tax that applies to any taxpayers commuting and working within that municipality. Such proposals would require authorization by the Alabama Legislature. The law would be retroactive and apply only to municipalities that had not approved the tax by Feb. 1, 2020. In effect, it would bar the one-cent occupation tax adopted by the Montgomery City Council on Feb. 28 from taking effect in 2021. The Senate approved the bill Thursday after extended debate about

whether the state should restrict municipalities' authority to adopt taxes and remove its ability to adequately fund critical public services. Gov. Ivey has signaled her intent to sign the legislation. [See details in AL.com coverage.](#)

Charter School Revision

Rep. Terri Collins Thursday introduced a revision to the Alabama charter school law. [H.347 \(Collins\)](#) would:

- Remove the State Board from the Charter School Commission appointment process;
- Require commission member training;
- Authorize the commission to employ staff;
- Allow state funding based on current-year enrollment for a specified period instead of prior-year enrollment as is current law for start-up charters; and
- Remove current local funding restrictions.

The bill is pending in the House Ways and Means Education Committee.

County School Board Terms of Office

The Senate Governmental Affairs Committee Wednesday approved [S.9 \(Givhan\)](#) to decrease the term of members of county school boards from six to four years. Baldwin County school board member Shannon Cauley, AASB District Director, spoke against the bill. She said school board terms vary with most city boards having five-year terms and several county boards having four-year terms. For constituents who do not have a local problem, a state solution is not necessary.

COMMITTEE ACTION

[H.293 \(Collins/Baker\)](#) - Alabama STEM Council - would create the Alabama STEM (science, technology, engineering and mathematics) Council as a separate entity within the Department of Commerce to advise, provide guidance and recommendation on ways to improve STEM-related education, career awareness and workforce development. Approved by House committee.

[H.303 \(Allen\)/S.219 \(Shelnutt\)](#) - Vulnerable Child Compassion & Protection Act - would make it illegal for doctors to prescribe puberty-blocking medications or opposite-gender hormones to minors and provide for criminal penalties. Both bills were amended and approved following public hearing to remove potential criminal penalties for school employees and restrict school language to apply only to gender identification concerns.

EDUCATION-RELATED BILLS INTRODUCED

[H.321 \(Sorrell\)](#) - Sex education opt-in - would require written parent/guardian permission for student participation in any program or curriculum that includes sex education or the human reproductive process.

[H.328 \(Sells\)](#) - School zones - would prohibit photographic or automated speed enforcement systems in school zones when school is not in session.

[H.341 \(Ledbetter\)](#) - Mental health service coordinator - would require local school boards to hire mental health service coordinators beginning with the 2021-2022 school year should state funding be provided.