

advocate for SCHOOLS



TO SEE A LIST OF BILLS BEING TRACKED BY AASB DURING THE 2019 REGULAR SESSION, CLICK BELOW.



K-12 Standards

Thanks to all who continue to contact lawmakers asking them to protect Alabama's K-12 standards. Your calls and texts urging House members to OPPOSE S.119 (Marsh) are helping to keep it from moving.

Advocacy Days

Spend a day in Montgomery with AASB staff to learn and experience the legislative process, interact with lawmakers and earn two training hours. There is no registration fee and lunch is provided.

April 16 - D1, D2, D3

April 30 - D7, D8, D9

May 21 & 22 - all districts

[Register today](#)

Thanks to the 36 school board members who attended the April 2 event.

2019 Regular
Legislative Session

23

days remaining

New Teacher Retirement Option and Appointed Superintendents

Spring Break was but a brief respite and lawmakers returned ready to roll. A new teacher retirement option bill moved quickly in the House as the Senate passed the appointed superintendent bill in just three days.

A 5th Retirement Option "PLOP"

The House Thursday unanimously approved [H.21 \(Baker\)](#) to provide education employees a fifth option upon retirement. It would allow a retiree to opt to receive a lump sum worth two years of retirement benefits and then a proportionally decreased monthly benefit thereafter. The bill sponsor, **Rep. Alan Baker**, explained the option provides access to a partial lump sum upon retirement for individuals who might wish to use the funds to move, make a significant purchase upon retirement or more. The option would not greatly compromise the monthly benefit. The bill moves next to Senate FTE Committee.

Teacher Retention & Recruitment Act

As Alabama school leaders struggle to find and keep teachers in the classroom, the education community worked together to identify and address one piece of the puzzle with [H.77 \(Baker\)](#). In 2012, lawmakers appropriately addressed the unfunded liability of the Teachers Retirement System by crafting a Tier 2 for incoming employees. Tier 2 provided a smaller retirement benefit, moved retirement eligibility to age 62 regardless of service years and disallowed accruing sick leave to count toward retire-

ment service. In exchange, employees, employers and the retirement system would have lower costs.

Since implementation, however, schools are experiencing unanticipated impacts in classrooms. Use-it-or-lose-it sick leave translated to higher costs for substitutes as teachers take up to 10 sick leave days. Ten days lost to students has a real impact on learning. The Tier 2 retirement benefit is less than surrounding states making it a challenge to attract and keep new teachers. The teacher shortage is real. Meanwhile, the Teachers Retirement System reported Tier 2 cost savings are already nine years ahead of projections to address unfunded liability, demonstrating it was an overcorrection.

[H.77 \(Baker\)](#) would offer a more generous benefit, allow sick leave to accrue to retirement service and provide an option to retire at age 62 or after 30 years.

The employee would bear the greatest share of the cost under the proposed plan. All new hires would have the new plan and current Tier 2 members would have the option to remain in the existing plan. The RSA estimates an annual additional cost of some \$9.8 million for the changes. Additional costs estimated at some \$1.6 million would be covered by employers. The entire education family supports the new retirement benefit as part of an effort that includes a pay raise to offer a more attractive package for hiring new teachers. House WME Committee members began discussion on a substitute bill Wednesday but did not vote.



Appointed Superintendents: Best Governance Model

The Senate Thursday approved [S.222 \(Butler\)](#), a bill to transition the 37 remaining elected school superintendent positions to appointed offices. It would allow a school board to offer a contract to the current elected superintendent without requiring a vacancy to be posted. If the superintendent accepts, the position transitions to an appointed office. That option may be exercised at any time after bill enactment. Otherwise, a superintendent elected in 2016 may run for another term in 2020. A superintendent elected in 2018 may run for another term in 2022. At the expiration of the next term of office, the positions would transition to appointed positions.

Bill sponsor Sen. Tom Butler explained that the elected model simply doesn't work. He likened it to having the board of a bank being unable to hire its CEO and instead allowing bank customers to elect their favorite teller as CEO. While elections ensure the most popular candidate fills the position, appointing superintendents based on qualifications, experience and the ability to run schools collaboratively with the board is the appropriate governance model. The bill next moves to the House Education Policy Committee. AASB urges House members to support [S.222 \(Butler\)](#).

Excessive Burdens Proposed to Open Records Act

[S.237 \(Ward\)](#) is a legislative effort to strengthen the Open Records Act, and its aggressive requirements would be onerous on every affected entity, including local schools. The bill would remove not only the "reasonable" standard for complying with records requests and "reasonable" penalties, but also removes the requirement that requests be made in writing. Instead, the bill would allow "oral requests" and would impose a strict five-day deadline to comply with a request, with limited extensions. The bill would require stiff penalties of \$75 per day be applied from the date the records "should have been released." The fines would apply to "custodians of the records." AASB opposes the bill.

Vaping for Minors/Schools

The House Thursday unanimously approved a bill to prohibit the sale or transfer of alternative nicotine products to minors and increases the penalty from the \$10 - \$50 range to \$100 - \$300 range. [H.41 \(Stringer\)](#) would prohibit retailers and manufacturers from advertising alternative nicotine products near schools and prevent such retailers from opening new businesses near schools, child care centers and more. **Learn more [here](#).**

Bible and Religious History Electives

The Senate Wednesday approved [S.14 \(Melson\)](#) to statutorily authorize public schools to offer electives on the study of the Bible and religious history in grades 6-12. No teacher would be required to teach such

a course, and school boards would be immune from any liability exposure created by the act.

State Constitutional Parental Rights

The House Children and Senior Advocacy Committee Wednesday approved a bill that proposes a constitutional amendment that, if approved by voters, would establish a parental right to direct a child's upbringing, education, care and custody. This constitutional right is already established by the U.S. Constitution, but [H. 191 \(Fridy\)](#) would create the same right under the state constitution. Unlike earlier versions, it does not include language that would have given parents the right to override a school's authority. The bill next moves to the House floor for consideration.

K-12 Standards Repeal Stalls

The repeal bill, [S.119 \(Marsh\)](#) is in House Education Policy Committee, as parents, educators, school leaders, PTA members, business and industry representatives, chambers of commerce, military and state and local officials work hard to stop it. As amended, S.119 could still prohibit participation in NAEP, the nation's report card, jeopardize federal funding for schools and give legislators oversight of state education standards. AASB opposes S.119 and urges local school leaders to contact House members to ask they oppose any effort to repeal Alabama's College and Career Readiness Standards.

Education Funding Bills Update

Senator Orr has introduced [S.199](#), the education budget, [S.192](#), the 4 percent education pay raise and [S.196](#), the supplemental appropriation from the Education Advancement & Technology Fund. Starting in the Senate, these bills will be considered by the FTE Committee, but no time-frame has been announced.

Education Bills of Interest Introduced

[H.291 \(Garrett\)](#) — Off campus religion electives — would provide the Alabama Released Time Credit Act to allow school boards to offer students release time for religious education off campus for elective credit.

[H.336 \(Sorrell\)](#) — Guns with permit — removes explicit statutory language prohibiting firearms at athletic events at elementary/secondary schools.

[H.339 \(Ledbetter\)](#) — Pledge of allegiance — would require the pledge of allegiance be conducted at the beginning of each school day in K-12 public schools.

[H.349 \(Collins\)](#) — Age gap remedies — addresses multiple statutory inconsistencies for the transitional ages of being classified as a minor or adult.

[S.214 \(Allen\)](#) — Passing school bus fines — increases penalties and fines for drivers passing a stopped school bus.