



TO SEE A LIST OF BILLS TRACKED BY AASB  
DURING THE 2021 REGULAR SESSION,  
CLICK BELOW



## Legislative Activity This Week

**Lottery:** The Senate approved a constitutional amendment asking voters to decide whether to authorize a lottery and other gaming options.

The legislation no longer directs 5% of proceeds to an education retiree fund. It's up to the House to restore that provision.

**Medical Marijuana:** A bill to legalize the medical use of marijuana is one step away from final passage in the House. [al.com article](#)

**Sweet Potato:** This Southern staple will become the state vegetable if the governor signs a bill approved this week. [al.com article](#)

**Advocacy Day 'Lite'**  
AASB will host another advocacy event on May 4 with limited capacity due to COVID-19 restrictions. Click [HERE](#) for details.

**2021 Regular  
Legislative Session**

**7  
days remain**

## Alabama Literacy Act Change, Progress on Tier 2 Effort

The Senate this week approved a bill to delay a provision in the Alabama Literacy Act for third graders who are not reading at grade level. Meanwhile, a Senate committee approved an amended version of the Tier 2 retirement bill. The change limits the bill to a single issue -- allowing employees to apply accrued sick leave to retirement service credit. With only seven legislative days left in the session, the race is on for bills to reach the finish line.

### Alabama Literacy Act: Pausing 3rd Grade Retention

Starting next school year, the Alabama Literacy Act requires third-graders to demonstrate grade-level reading proficiency prior to being promoted to fourth grade. By a 23-9 vote, the Senate approved [S.94 \(Smitherman\)](#) to delay the third-grade retention requirement. The bill originally proposed a three-year delay; however, the Senate unanimously approved reducing the timeframe to two years. The retention provision would apply in the 2023-24 school year.

Some lawmakers oppose the slowdown, citing a desire to first review proficiency data and then address the need for delays next session before the retention provision would go into effect that spring. Meanwhile, educators believe the learning challenges during COVID-19 already justify postponing the retention component. The rest of the Act remains in effect, including intensive interventions for struggling readers with individualized supports, before- and after-school tutoring and summer school options.

### Sick Leave Component Advances for Tier 2 Employees

For the first time in its three-year journey, a bill seeking to improve benefits for Tier 2 education employees is teed up for final passage on the Senate floor. The Senate FTE Committee amended [H.93 \(Baker\)](#) to retain only the provision allowing educators to accrue unused sick leave for retirement service credit, dropping a provision that would have provided retirement eligibility after 30 years service.

**"As amended, this bill is a good step toward minimizing the disparity between Tier 1 and Tier 2 employees,"** said Rep. Alan Baker, the bill's sponsor. A slight increase to the employee contribution will cover that cost. Local school leaders applauded Rep. Alan Baker and Sen. Donnie Ches-teen for their hard work to advance the bill. Providing retirement eligibility after 30 years of service will be the next step to make Alabama's teacher retirement benefit competitive.

### Transgender K-12 Sports Goes to Governor

By a 74-19 vote, the Senate approved [H.391 \(Stadthagen\)](#) to prohibit transgender students from playing on sports teams of different biological gender. The Alabama High School Athletic Association currently determines participation by the gender on an athlete's birth certificate, which prompted lawmakers to question the need for legislation. Bill proponents argue the rule could change, and the bill is needed to protect the integrity of high school sports. Some 20 states are considering similar legislation.

## Education Savings Account Introduced

Late Thursday, [H.633 \(Meadows\)](#) was introduced to create an Education Savings Account that would allow parents to divert state education funds to private K-12 schools. Other states have opened the door to this version of school vouchers in a similar way — limiting the ESA first to a specified group. H.633 (Meadows) would apply to military dependents, special education students and foster children who are adopted or under permanent guardianship. The bill would allow parents to use state funding for private school tuition, private virtual school tuition, tutoring services and other associated expenses.

Public school advocates have long fought the effort to divert education funding, especially when the responsibility to provide services for students remains with public schools. Despite students attending a private school, local school systems remain responsible for providing services for a student's special needs if they return to public school when a placement fails.

Private schools are under no obligation to accept students, and ESAs provide a loophole for the use of public funds at the expense of public schools and without accountability. ESAs allow state dollars to flow to unregulated education vendors for education services. While the proposed bill is limited in scope, AASB opposes the bill because it presents a slippery slope as a precedent for vouchers for all students. Opponents say ESAs are not savings accounts but rather a mechanism to spend taxpayer money in the name of school choice.

## Open Records Threat

AASB, local governments and state entities are at the table working on [S.165 \(Orr\)](#), a bill to revise the state's open records law, following a request of the bill sponsor. Meanwhile, proponents have presented a revised draft which no longer addresses critical issues needed to define and improve current law. AASB believes the Open Records law is confusing because it involves interpreting case law and Attorney General opinions. There is no clear guidance for school staff or local clerks responsible for responding to open record requests. Despite proponents' sense of urgency to move a bill before the end of session, a lot of work will be necessary before moving forward.

## Education-related Bill Activity

[H.248 \(Rich\)](#) - **K-12 sports broadcast** - would allow each K-12 school to have sole authority to determine which media entities may broadcast regular season sports events. Approved by Senate committee.

[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 Senate committee.

[S.225 \(Stutts\)](#) - **Alabama Teacher Initiative** - would provide scholarships for graduating students who commit to teach for five years in STEM fields or special education

for grades 7-12 in rural areas. Approved by Senate committee.

[S.172 \(Singleton\)](#) - **Retiree lump sum payment** - would provide education retirees a one-time, lump-sum payment in FY22 (beginning Oct. 1, 2021) based on a formula of \$2 per month for each year of service or \$300, whichever is greater. Approved by Senate committee.

## Bills Pending Final Passage

[H.76 \(Jackson\)](#) - **Seizure Safe Schools Act** - would permit a student healthcare plan to include the administration of seizure medication by an unlicensed medication assistant who receives specified training.

[H.97 \(Morris\)](#) - **Mental awareness training** - would require annual mental health awareness training for all public K-12 employees.

[H.187 \(Collins\)/S.15 \(Jones\)](#) - **Competitive bids for local boards** - would exempt lease/purchase agreements from the competitive bid law when made through national or regional cooperative purchasing agreements.

[H.208 \(Warren\)](#) - **Kindergarten bill** - would require completion of kindergarten or demonstrating first-grade readiness before a student enrolls in first grade.

[H.220 \(Ledbetter\)](#) - **School construction management** - would exempt K-12 school systems' construction projects costing less than \$500,000 from oversight by the Division of Construction Management (DCM).

[H.246 \(Gray\)](#) - **Yoga in schools** - would authorize local boards to offer yoga to students in grades K-12.

[H.385 \(Hall\)](#) - **Sex education** - would revise content, course materials and instruction in public schools regarding sex education or the human reproductive process.

[H.407 \(Collins\)](#) - **State Seal of Biliteracy** - would recognize graduates who demonstrate proficiency of English and at least one other language on their diploma.

[H.486 \(Scott\)](#) - **Extended Learning Opportunities Act** - would provide a process for public K-12 students to participate in and receive credit for extended learning opportunities outside of the school.

[H.498 \(Collins\)](#) - **Alabama Credential and Transparency Act** - would provide a free, searchable database for all educational and occupational credentials, competencies and workforce programs.

[S.10 \(Shelnutt\)](#) - **Vulnerable Child Compassion and Protection Act** - would prohibit medical procedures, puberty-blocking medications and gender-changing hormones for minors. See [amendments](#).

[S.70 \(Livingston\)](#) - **Cyber Technology School immunity** - would provide limited sovereign immunity for the Alabama School of Cyber Technology and allow participation in the Educators Liability Trust Fund.

[S.109 \(Gudger\)](#) - **Lowest responsible bidder** - would allow entities to negotiate with the lowest responsible bidder when all competitive bids received exceed funding available.

[S.217 \(Melson\)](#) - **State textbook committee** - would revise current statute and specify criteria for textbook selection. See [amendment](#).