



TO SEE A LIST OF BILLS TRACKED BY AASB
DURING THE 2021 REGULAR SESSION,
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This Week

General Fund

The House non-concurred with Senate changes in the GF budget Thursday. A joint conference committee will meet to iron out differences. The delay means a procedural mechanism called the Budget Isolation Resolution (BIR) remains in effect.

Budget Isolation Resolution

Until both budgets go to the governor, the BIR requires a supermajority vote before a bill may be considered on the floor. BIR votes can prevent controversial bills from being debated. The BIR may be in play for the lottery and medical marijuana bills expected in the House during the final days of the session.

Legislative Schedule

May 3: Two-day week
May 10: Break week
May 17: Final Day

2021 Regular
Legislative Session

3
days remain



ALABAMA
ASSOCIATION OF
SCHOOL BOARDS

Clock Winding Down as Education Budget Goes to Gov

The legislature sent the \$7.65 billion FY22 education budget and accompanying funding bills to Gov. Ivey this week. Kudos to the House and Senate for their work to fund a multi-pronged investment package for public K-12 schools. Critical education bills are going to the governor with only three legislative days remaining in the session. The controversial lottery and medical marijuana bills are awaiting consideration on the House floor and time is running out.

Education Trust Fund Budget

The budget includes an additional \$440 million, a 6% increase, to fund comprehensive and creative efforts to increase salaries, incentivize educators to choose math and science fields and address local technology network needs.

S.189 (Orr) will:

- Ensure a minimum 2% increase for every step in the state salary matrix.
- Increase salaries for teachers with nine years' or more experience.
- Invest \$95 million to protect 900 teacher units that will otherwise be lost due to enrollment decreases during COVID.
- Invest \$3.6 million to directly fund each local school system for its frontline network administration and services.

Also on the governor's desk as part of the dynamic budget package:

S.188 (Orr): Education Pay Raise - invests \$86 million to provide a 2% pay raise for education employees.

S.193 (Orr): Advancement & Technology Fund - invests \$206 million for K-12 to use for authorized purposes.

S.327 (Chesteen/Baker): TEAMS Act - creates a math and science career pathway with significant financial incentives for middle and high school teachers willing to seek advanced credentials. AASB commends the innovative initiative and local leaders are excited to begin the program next school year.

Tier 2 Relief Needed ASAP

The Senate has yet to consider final passage of **H.93 (Baker)**, the first step in an effort to minimize the disparity between TRS Tier 1 and Tier 2 retirement benefits. The bill would allow Tier 2 retirees to accrue sick leave to count toward retirement service credit as is currently authorized in Tier 1. **Readjusting Tier 2 retirement is essential to make Alabama competitive for prospective teachers and to retain current teachers.** The national teacher shortage is growing for all grades in all subjects but is most problematic for special education and STEM. See Senate committee [amendment](#).

School Construction

Thanks to Majority Leader Nathaniel Ledbetter and Sen. Donnie Chesteen for championing improvement to the school construction management process. By a vote of 25-4, the Senate approved **S. 220 (Ledbetter)** to remove the Division of Construction Management (DCM) oversight from K-12 construction projects that cost less than \$500,00 or that are HVAC system renovations/repairs or roof maintenance and repairs. Examples of excessive costs and delays in the DCM process convinced lawmakers to act.

3rd Grade Retention Delay

The House Education Policy Committee held a public hearing on [S.94 \(Smitherman\)](#) this week. The Alabama Literacy Act requires third-graders to demonstrate grade-level reading proficiency to be promoted to fourth grade beginning in the 2021-22 school year. The bill would push implementation back two years. The SDE testified that intensive supports and intervention are moving forward for struggling readers and there is no immediate need to pause at this time. **Rep. Alan Baker** said pumping the brakes on the third-grade retention would send the wrong message. Data from this spring's assessments should be collected and analyzed, he said, then the appropriate decision to offer waivers or provide a full-scale delay could be made before implementation next spring. [AASB submitted these comments](#) indicating a minimum one-year delay is likely necessary and should be considered with data next legislative session. The committee may meet next week to take a vote. See [ADN article](#).

Oppose Mandate for Student Discipline

In a House Education Policy Committee Hearing, **AASB, SSA and the SDE opposed a mandate in [S.203 \(Smitherman\)](#) that would force every school system to retain a hearing officer for long-term student suspensions or expulsions.** The U.S. Constitution guarantees students have due process consisting of notice and an opportunity to be heard in disciplinary actions.

Proponents of the bill mistakenly suggest due process can only be implemented with a state-mandated process. A school system has a student code of conduct which outlines due process proceedings for disciplinary actions. While some systems use hearing officers, that model doesn't work for every system. Different systems have different needs and different resources. Local school boards have a quasi-judicial role in student discipline decisions just as they do for personnel employment decisions. School boards are charged by the community to fulfill that role and accept that responsibility. [AASB submitted these comments](#) before a potential committee vote.

Bills Going to the Governor

[S.109 \(Gudger\)](#) - Negotiation on competitive bids.

By a 97-0 vote, the House approved a bill to allow local school boards to negotiate when bids exceed available funding for public works contracts. When two or more bids come in high, school boards may negotiate if: shortage of funding can be documented; time is of the essence; and changes are in the public interest and do not materially alter the scope and nature of the project.

[H.175 \(Lovvorn\)](#) - Student loan repayment for computer science. By a 29-0 vote, the Senate approved the bill to include computer science teachers in the Alabama Math and Science Teacher Education Program (AMSTEP) student loan repayment program.

Final Passage Pending - Selected Bills

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

[H.208 \(Warren\)](#) - Kindergarten bill – would require a child to successfully complete kindergarten or demonstrate readiness before being enrolled in first grade.

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

[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.

[S.61 \(Chesteen\)](#) - Education Retirees Trust Fund Funding Act - would establish a separate fund in the state Treasury to serve as a permanent trust/investment account to fund periodic bonus checks.

[S.92 \(Smitherman\)](#) - K-12 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.

Dead for 2021 Session - Selected Bills

[H.260 \(Rich\)](#) - Teacher Bill of Rights - would create a Teacher Bill of Rights and direct each local board to provide to every employee.

[H.440 \(Fincher\)](#) - Repeal of Common Core - would terminate the use of the standards commonly known as the Common Core Standards, also known as the Alabama College and Career Ready Standards.

[H.447 \(Kiel\)](#) - School closures - would require local board approval if a public K-12 school is to be closed for more than 10 consecutive days.

[H.552 \(Moore\)](#) - TRS full-time employment - would allow a retiree to be employed full-time as a K-12 teacher, for one academic year at a time, without limit on compensation or suspension of retirement allowance.

[S.165 \(Orr\)](#) - Open Records Act - would revise the Public Records Act for government entities, including public schools.

[S.172 \(Singleton\)](#) - Retiree lump sum - 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.

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

[S. 365 \(Marsh\)](#) - Open enrollment - would require schools to enroll students from outside the school system beginning in the 2022-23 school year.

Remaining Education-Related Bill Status

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