



TO SEE A LIST OF BILLS TRACKED BY AASB
DURING THE 2021 REGULAR SESSION,
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Signed by Governor

Education Budget
FY 2022
[Act 2021-342](#)

[Budget Spreadsheet](#)

Educator 2% Pay Raise
[Act 2021-330](#)

TEAMS Act
[Act 2021-340](#)

[TEAMS Act Overview](#)

Governor's Action

During the session, once a bill reaches the governor, she may sign it into law or veto it.

Vetoed bills are returned to the house in which they originated with a message explaining the governor's objections and suggested amendments.

A simple majority in both houses is all that is needed to either accept the executive amendment or override the veto.

Legislative Schedule

May 17: Final Day

2021 Regular
Legislative Session

1
day remains

In the Late Hours: Tier II, Retiree Fund, Yoga & Seizures

Medical marijuana and lottery/gaming bills dominated the legislative agenda and influenced all activity on the floor this week. Ultimately, lawmakers sent the medical marijuana bill to the governor but House negotiations on a comprehensive gaming package broke down late Thursday. Meanwhile, lawmakers gave final passage to several education bills, including: Tier II, an education retiree trust fund, yoga and seizure safe schools. Lawmakers will return after a one-week break for the final day of session May 17.

Senate Approves Tier II

Kudos to Rep. Alan Baker and Sen. Donnie Chesteen for their commitment to start removing disparities between Tier I and Tier II TRS member benefits. By a 29-0 vote, the Senate approved [H.93 \(Baker\)](#) to allow Tier II retirees to accrue sick leave to count toward retirement service credit. The change increases the TRS contribution rate from 6% to 6.2% for Tier II plan members. A [Senate amendment](#) removed a provision to allow retirement eligibility with 30 years of creditable service. Additional efforts to improve Tier II benefits will continue in future legislative sessions.

Education Retiree Trust Fund Established

The House unanimously approved [S.61 \(Chesteen\)](#) to establish a permanent trust/investment account in the State Treasury to fund future bonuses for education retirees. The bill simply establishes the mechanism to issue periodic bonuses, not

fund it. The bill expressly prohibits any funding from the Education Trust Fund to the account. Bonus checks may be authorized once the fund balance reaches \$100 million.

Yes to Yoga in Schools

The Senate approved [H.246 \(Gray\)](#) by a [23-7 vote](#) to allow school boards to offer yoga as an elective in K-12 public schools. The original bill limited yoga instruction to poses and stretching exercises and expressly prohibited chanting and mantras. The Senate added further detail with [amendments](#) to prohibit meditation and hypnosis techniques as part of instruction. The amendments also require parental consent that specifies the understanding that yoga is part of the Hinduism religion.

Seizure Safe Schools

The Senate unanimously approved [H.76 \(Jackson\)](#) to authorize a school employee to administer seizure medication to a student as a "medication assistant." The bill discussion lasted hours as part of a slow-down in the Senate. Sens. **Rodger Smitherman** and **Bobby Singleton** discussed concerns about knowing who is responsible for the medication and called for the State Board of Education to put a school nurse in every school.

The Senate added an amendment to ensure students and employees know the identity of a medication assistant and to require that local school boards compile and publish an annual list of medication assistants. See [Senate floor amendments](#).

Among Bills Alive on Last Day...

The Senate adjourned before considering bills on Thursday's agenda for competitive bid, kindergarten and to delay the 3rd grade retention provision of the Alabama Literacy Act. These bills are fighting for final passage when lawmakers return May 17.

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/demonstrate first grade readiness before being enrolled in first grade.

H.407 (Collins) - State Seal of Biliteracy - would recognize graduates who demonstrate specified proficiency of English and at least one other language with a seal on their diploma.

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.70 (Livingston) - Cyber Tech School immunity - would provide limited sovereign immunity for the Alabama School of Cyber Technology and allow participation in the Educators Liability Trust Fund.

S.92 (Smitherman) - K-12 mental health program - would require the SDE to develop a program addressing mental health of public K-12 students at-risk for developing inadequate social-behavioral skills such as ADHD or anger management issues in the classroom.

S.94 (Smitherman) - Alabama Literacy Act delay - would postpone implementation of the third-grade retention requirement until the 2023-24 school year.

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

Awaiting Governor's Signature

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

H.175 (Lovvorn) - Student loan repayment - would include computer science teachers in the Alabama Math and Science Teacher Education Program (AMSTEP), in the student loan repayment program for STEM teachers who work in underserved areas of the state.

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.

H.220 (Ledbetter) - School construction - would remove the Division of Construction Management (DCM) oversight from K-12 construction projects that cost less than \$500,000 or for HVAC system renovation/repairs or roof maintenance and repairs. It also removes DCM oversight from Alabama community college school construction projects.

H.280 (Faulkner) - School speed zones - would clarify and expand existing law to ensure school speed zones are required for all public and private schools.

H.391 (Stadthagen) - Gender of athletes - would prohibit public K-12 schools from hosting/sponsoring or otherwise allowing students to participate as athletes in competitions against different biological birth genders unless a co-ed team.

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.

S.193 (Orr) - Advancement and technology fund - would make a \$206 million supplemental appropriation for FY21 from the ETF Advancement and Technology Fund for K-12 public schools to use for authorized purposes, including: repairs and maintenance; classroom instructional support; insurance for facilities; transportation; acquisition/purchase of education technology; and school security.

Among Bills Dead this Session...

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.487 (Collins) - Charter schools - would revise the manner of appointing members to the Charter School Commission and revise the local share of operational funding to charter schools.

H.559 (Meadows) - AAA Scholarships - would allow a taxpayer to claim a tax credit of up to 75 percent, not to exceed \$75,000 per taxpayer or a cumulative \$30 million annually. All Scholarship Granting Organizations would be required to expend funds on scholarships within three calendar years.

H.633 (Meadows) - Education savings accounts - would create an Education Savings Account voucher to allow parents to divert state education funds to private K-12 schools.

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.203 (Smitherman) - Student discipline process - would remove local school boards from student expulsion and long-term suspension decisions and require every school system to use a hearing officer.

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