

# advocate for SCHOOLS



TO SEE A LIST OF BILLS TRACKED BY AASB  
DURING THE 2022 REGULAR SESSION,  
CLICK ON BILL TRACKER BELOW:



## Education Budget Teed Up

The Education Trust Fund (ETF) budget is expected to go before the full House on March 8 according to House Ways and Means Education (HWME) Committee Chair Rep. Danny Garrett. The ETF budget will be discussed in the HWME Committee next Tuesday, with a committee vote on Wednesday.

## Halfway Mark

The Legislature has completed 15 of its 30 legislative days, officially marking the halfway point of the regular session. Lawmakers will continue with three-day legislative weeks, but plan to take off for spring break March 21-25.

## AASB Advocacy Days

What are you waiting for? Even if your district is not listed below, you may still sign up to attend AASB's final Advocacy Day of the session. Register today!

Mar. 8 | Districts 4, 5, 6  
[REGISTER NOW](#)

**2022 Regular  
Legislative Session**

15 days remain

## Busy Week for Literacy Act and Other Education Bills

The House and Senate approved bills this week tweaking the Alabama Literacy Act. [H.220](#) sponsored by Rep. Terri Collins and [S.200](#) sponsored by Sen. Rodger Smitherman received bipartisan support in both chambers. However, only the Senate bill addresses holding off on retention of third-grade students which, under current law and in the House bill, would take effect at the end of this school year.

Rep. Collins, who also serves as Chair of the House Education Policy Committee, has indicated there is an agreement between House and Senate leadership and the bill sponsors to delay the retention portion of the Act to the 2023-24 school year, a provision currently included in the Senate bill. [S.200](#) will be on the House Education Policy Committee Wednesday.

Governor Kay Ivey has publicly expressed support for gathering more testing data, but is firm in wanting a set date for full implementation of the Act.

### Changes to Literacy Act found in [H.220](#):

- Students with an Individualized Education Plan (IEP) who do not take the state's standardized test, are exempt from retention.
- No child will be retained more than once in the third grade.
- English Language Learners (ELL) will have three years after school enrollment before retention would apply.
- Additional members to the Literacy Task Force will be added and the task force's autonomy will be removed

### School Choice Still on the Table

Sen. Del Marsh continues to fight for his bill, the Parents Choice Act (PCA). As introduced, [S.140](#) would divert \$537 million from the ETF to Education Savings Accounts

(ESA) to finance private school tuition, home school programs, after-school care, tutoring, enrichment programs and equipment needed for extracurricular activities.

Even though the PCA was not before the body, under Senate Rules, Marsh was allowed to address fellow lawmakers while another education bill was up for vote. The senator pleaded with colleagues on the Senate floor Tuesday to move forward with a plan giving more parental choice. Last week, the bill was sent to a study commission comprised of House and Senate members to further explore parental choice. "I refuse to let this commission be the 'Kill Del Marsh's Bill Committee' ", Marsh said. On Wednesday, the study commission met for the first time to discuss parental choice, but the meeting was closed to the public.

## Alabama Accountability Act Tax Credits

Another "school choice" bill called the Alabama Accountability Act (AAA), originally passed by the Legislature in 2013, allows for taxpayers to donate to scholarship granting organizations (SGOs), who then distribute educational scholarships to low-income K-12 students to use in participating private and public schools.

Sen. Dan Roberts introduced a bill Wednesday, [S.261](#), co-sponsored by Senators Del Marsh and Sam Givhan, that would amend the AAA's provision dealing with SGO contributions. Currently under the AAA, taxpayers contributing to an SGO for educational scholarships may claim a tax credit up to 100% of the total amount contributed during the taxable year for which the credit is claimed and up to 50% of their individual taxpayer liability, not to exceed \$50,000. [S.261](#) would allow up to 100% of individual taxpayer liability, not to exceed \$100,000.

The bill also would allow for SGO funds to be expended for educational scholarships within three calendar years before being returned to the State Department of Education for at-risk allocation. Under current law, SGO funds must be expended within one calendar year.

### Teacher Shortage Help

Aimed at finding solutions to Alabama’s teacher shortage problem, two recently introduced Retirement Systems of Alabama (RSA) bills were discussed in committee this week.

**H.376 (Reynolds)** would increase the maximum compensation retirees returning to work may earn from \$34,000 to \$52,000 per year without suspension of their retirement allowance. The bill would allow retired educators to return and perform duties in any capacity, including as an independent contractor, provided there is a 90-day break in service from the date of retirement. The sponsor told committee members if passed, the bill would provide immediate but temporary relief to the teacher shortage and would be repealed in 2026 unless extended by the legislature. The bill was approved by the House Ways and Means General Fund Committee.

**H.278 (Sells)**, a bill that would allow retirees to return to work at full salary without suspending retirement, was heavily debated in the House Ways and Means Education Committee. Committee members cited concerns about the lack of salary caps, whether this bill will incent employees into earlier retirement and if the bill would adversely affect RSA. The bill was carried over and committee members requested more information before a vote is taken.

### Divisive Concepts Discussed

A public hearing only was held on a bill to ban the teaching of “divisive concepts” in Alabama’s public schools. Members of the **House State Government Committee** listened to host of educators and others speaking in opposition to **H.312** sponsored by **Rep. Ed Oliver**.

Speakers expressed concern that passage of such a bill banning, among other things, anything that was “inherently racist or sexist” would greatly affect the teaching of history in classrooms, making educators afraid to teach certain subjects for fear of losing their jobs.

AASB shared a letter of concern with committee members earlier in the week highlighting mechanisms already in place for local school systems to address such matters, including the State Board of Education’s (SBOE) **Alabama Educator Code of Ethics** and most recently, the **SBOE’s resolution** prohibiting local boards from offering instruction that would indoctrinate students in ideologies promoting one race or sex above another. AASB trusts local school boards and administrators to address parent and community concerns regarding lessons, texts or instructional materials.

A vote on the bill will not be considered until the committee meets again in two weeks.

### Feminine Hygiene Products in Schools

A bill that originally would have required all fifth through 12th-grade public schools to provide feminine hygiene

products in women’s bathrooms at no cost to students was **substituted** by the sponsor, **Rep. Rolanda Hollis**, and Wednesday.

**H.50 as substituted**, would establish a grant program to provide no-cost feminine hygiene products for students. Aimed at keeping students in school and avoiding what **Hollis** referred to as “period poverty”, this annual grant program would be targeted for Title I schools with funds administered and awarded by the State Department of Education (SDE) for the purchase of feminine hygiene products. The sponsor told committee members she plans to offer a House floor amendment specifying the hygiene products are only to be dispensed to students by female school personnel.

### Controversial Bills Clear Chambers

**H.272 (Stringer) - Conceal carry** – A bill to repeal the requirement for a permit to carry concealed handguns passed the House of Representatives 65 to 37 after a limited two-hour debate. Restrictions on carrying concealed weapons on school grounds would remain in place. Assigned to Senate Judiciary Committee.

**H.322 (Stadhagen) - Transgender facilities** – The House passed a bill to require public school students in Alabama to use bathrooms and locker rooms designated for the sex indicated on their birth certificates. The bill now moves to the Senate.

**S.184 (Shelnutt) - Medical procedures for minors** – Referred to as the Alabama Vulnerable Child and Protection Act, the Senate passed a bill to make it illegal to provide hormone therapy and/or other medical procedures to alter the gender appearance of minors and establish criminal penalties for anyone offering them. If enacted, the law also would require teachers, counselors and principals to disclose information about a child’s gender dysphoria to parents or guardians, although the bill does not include penalties if school personnel do not disclose that information. Assigned to House Judiciary Committee.

### Floor Action

**H.331**, the “**first-grade readiness**” bill by **Rep. Pebblin Warren**, passed the House Wednesday. This bill specifies a child who turns age six between September 1 and December 31 shall be entitled to **enroll in first grade** if he/she has successfully completed kindergarten or is deemed first-grade ready on an assessment to be developed by the State Department of Education (SDE) and approved by the State Board of Education. Children would be eligible to **enroll in kindergarten** if they turn age five by September 1 or by local exception if they turn age 5 by Dec. 31. The bill has been assigned to the Senate Finance and Taxation Education Committee.

**H.307 (Baker) - Alternative teacher certificates** - this bill would authorize the SDE to issue a professional teaching certificate to educators with one or more alternative certificates who have been employed with a local board for one full year. **PASSED** in House; moves to Senate Committee.

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