

advocate for SCHOOLS



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



Construction Management: K-12

H.419 (Ledbetter), a bill to ensure school systems are following the Americans with Disabilities Act (ADA) for projects not subject to Department of Construction Management (DCM) oversight, was **amended** and approved by the House Education Policy Committee Wednesday.

Rep. Ledbetter's bill would make changes to a law enacted last year that removed DCM oversight from K-12 projects costing less than \$500,000 and would require LEAs to submit documentation of those projects to the DCM for the sole purpose of review and inspection for ADA compliance and safety issues.

Senate to Take Up ETF Budget

Chair of Senate Finance and Taxation Education Committee **Sen. Arthur Orr** told lawmakers he expects the ETF budget to be in committee after the legislative spring break March 21-25.

2022 Regular Legislative Session

9 days remain

House Passes Largest ETF Budget in State History

The House passed a monumental FY23 Education Trust Fund (ETF) Budget this week along with an accompanying package of appropriations bills. House members praised the record \$8.17 billion ETF Budget and complimented House Ways and Means Education (HWME) Chair Rep. Danny Garrett for his help directing additional dollars into classrooms.

The House-passed ETF budget (**H.135**) provides an additional \$501.3 million over the current fiscal year, allocating \$24.5 million more dollars to the state's Pre-K program and additional money for school and classroom supports such as reading and math coaches, information technology/network administrators and auxiliary teachers.

House-PASSED budget spreadsheet House-PASSED budget bill

Included in the ETF budget for **classroom instructional support**:

- Textbooks/Digital Resources - \$75/unit
- Classroom Materials - \$900/unit
- Technology - \$500/unit
- Professional Development - \$100/unit
- Library Enhancement - \$158/unit

There is a **\$5.4 million** appropriation in the House-passed budget for the **Teacher Aide Program for Underperforming Schools** (auxiliary teachers).

A separate bill sponsored by House Majority Leader Nathaniel Ledbetter (**H.429**) creates the framework for providing auxiliary teachers to assist K-3 teachers in low performing schools with instructional and noninstructional activities. Beginning with the 2023 - 2024 school year, the bill proposes to phase in the employment of auxiliary teachers in schools where 75% or more of the stu-

dent population has scored at Level 1 proficiency on the Alabama Comprehensive Assessment Program (ACAP). The House Ways and Means Education Committee **amended** and approved (**H.429**) Wednesday. It now goes to the full House.

The ETF budget package also includes:

- **H.136 (Garrett) - Education Pay Raise** - invests \$42 million to provide a 4% pay raise for K-12 education employees.
- **H.267 (Garrett) - Education Advancement and Technology (EAT) Fund** - invests \$205.7 million for K-12 to use for authorized purposes. View allocations for each school system on page 3 of the bill.
- **H.138 (Garrett) - Supplemental Appropriation** - allocates an additional \$652 million to the Education Advancement and Technology Fund to be divided between K-12 and higher education.
- **S.30 (Singleton) - TRS bonus** - provides a one-time payment for retirees currently receiving benefits in the Teachers' Retirement System (TRS).

AASB Priority Bills Move Forward

Three bills highlighted as priority issues for local board members as part of **AASB's Legislative and Policy Agenda** have advanced this week, with one having already been sent to the governor. That bill, to include capital outlay as a permitted use of supplemental dollars from the **Education Advancement and Technology (EAT) Fund**, received final passage and is awaiting signature by Gov. Ivey.

S.175 sponsored by **Sen. Arthur Orr** provides additional flexibility for school facility needs by allowing capital outlay - new construction - as an additional qualified expenditure of EAT funds, giving school systems more control and flexibility to assist with rising renovation and construction costs.

➤➤NOTE: The State Department of Education (SDE) notifies each system of its individual EAT allocation in May and includes the application for qualified expenditures. Funds are then dispersed (usually in August) after the SDE reviews applications.

CNP Flexibility Bill Heads to House for Final Passage

Another school board priority is the focus of [S.72](#) sponsored by **Sen. Jack Williams** and approved by the House State Government Committee Wednesday. Sen. Williams' bill would temporarily waive state bid requirements for *advertising* and *bidding*, upon the State Superintendent of Education's recommendation and the Department of Examiners of Public Accounts' approval, during an emergency or unanticipated event causing supply chain disruptions. Supply line interruptions caused food shortages in school districts this year, forcing Child Nutrition Program (CNP) directors to utilize other vendors not approved through state bid law requirements (a violation under current law).

Speaking in support of the bill, **Rachel Riddle, Chief Examiner for the Alabama Department of Public Examiners**, told committee members her office fielded many calls from local Chief School Financial Officers (CSFOs) during severe pandemic-related food shortages. Many CSFOs asked for direction on how this unintended violation of the bid law could be fixed when time is of the essence to provide daily meals. [S.72 \(Williams\)](#) addresses that concern and now goes to House for final passage.

Retirees Return to Work

Finding ways to address Alabama's teacher shortage is a high priority for local school boards. [H.376 \(Reynolds\)](#), which passed the House 100 to 0 Wednesday, proposes an innovative solution to this problem. **Rep. Reynolds'** bill 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. Provisions in this bill will be repealed in 2026 unless extended by the legislature. The bill has been assigned to the Senate Finance and Taxation General Fund Committee.

Numeracy Act Gets Go Ahead

Aimed at addressing low math proficiency in the state, **Sen. Arthur's Orr's** proposed Alabama Numeracy Act, [S.171](#), received a favorable report by the House Education Policy Committee Thursday. **Rep. Alan Baker**, who is carrying the bill in the House, [provided an overview](#) and highlighted key changes in a new substitute bill that was presented to committee members after meeting with AASB and other education groups.

When the bill passed the Senate, it included only two options for schools not making academic progress. In the updated bill, if a school does not meet specific levels of progress after four years of state academic intervention, three options would be available for improvement:

- Mandated reconstitution;
- Charter school conversion, and
- External receivership

External receivership would allow the local board of education to contract with an external receiver after being vetted and approved by the State Superintendent of Education.

According to the bill, "A receiver may be a two-year or four-year public institution of higher education, a non-profit entity, a charter management organization, or an individual with a demonstrated record of success in improving low-performing schools. The external receiver shall have full managerial and operational control over the school. An external receiver shall report directly to the local superintendent of education. At the request of the external receiver, the State Superintendent of Education may overturn any decision made by the local superintendent."

AASB thanks Sen. Orr and Rep. Baker for their work on this bill and their willingness to work with AASB on board members' concerns.

Parents Choice Act Quiet but Lurking

Sen. Del Marsh (S.140) and **Rep. Charlotte Meadows (H.245 and H.452)** have introduced three parents' choice bills that would divert funds from the ETF to finance private and home school education. Although this legislation seems to have stalled this session, local boards should not lose sight these bills are still a threat until the session is over. As reported two weeks ago in [AASB's Advocate for Schools](#), Marsh's bill was sent to a bipartisan study commission comprised of House and Senate members to further explore and discuss parental choice to garner support and compromise.

Charter School Funding

A bill to redirect countywide tax revenue to charter schools was introduced Wednesday and approved by the Senate Education Policy Committee early Thursday. [S.302 \(Marsh\)](#) would remove the current 10-mill cap less monies already committed by law or local board action. **Marsh's S.302** now moves to the full Senate for consideration. [View fiscal note](#). The companion bill [\(H.459 Collins\)](#) will be in the **House Ways & Means Education Committee** next week.

Student Discipline: Due Process

AASB has called a public hearing before the [House Education Policy Committee](#) next Wednesday on [S.79 \(Smitherman\)](#), a bill to provide a uniform system of procedural due process protections for students facing suspension or expulsion for violating the student code of conduct or state law. AASB worked with the sponsor in good faith to amend the bill. However, no new language to address shared concerns has been provided. AASB believes a one-size-fits-all student discipline mandate removes the local board's responsibility and accountability for these decisions.

Please contact your House member to oppose S.79!

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