

1 SB43
2 126116-2
3 By Senator Brewbaker
4 RFD: Education
5 First Read: 01-MAR-11
6 PFD: 02/22/2011

1 SB43

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4 ENROLLED, An Act,

5 Relating to the Public School Fund; to amend Section
6 16-13-234, Code of Alabama 1975, to allow certain monies
7 received by local boards of education from the fund to be used
8 for debt payments related to public school facilities and for
9 insuring public school facilities.

10 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

11 Section 1. Section 16-13-234 of the Code of Alabama
12 1975, is amended to read as follows:

13 "§16-13-234.

14 "(a) In making apportionment of the Public School
15 Fund held by the state, to the local boards of education, the
16 State Superintendent of Education shall first set apart and
17 distribute to the schools of each township the amount due from
18 the state thereto as interest on its sixteenth section fund,
19 or other trust fund held by the state.

20 "(b) It is the intent of the Legislature to insure
21 that no local board of education receive less state funds per
22 pupil than it received in fiscal year 1994-95. For this reason
23 the Foundation Program for each local board of education shall
24 be supplemented, if necessary, by a hold harmless allowance.
25 The base amount of each local board's hold harmless allowance

1 calculation is the 1994-95 program cost as defined herein. The
2 1994-95 program cost of each local board of education was
3 determined by using the first forty scholastic days of average
4 daily membership from 1993-94. Beginning with the fiscal year
5 1995-96, the hold harmless allowance calculation shall be the
6 current year Foundation Program state allocation, including
7 allocated Public Education Employees' Health Insurance Plan
8 reserves, less the fiscal year 1994-95 program cost as defined
9 herein. The fiscal year 1994-95 program cost is defined as
10 including the local boards of education allocations for
11 kindergarten through grade twelve plus fringe benefits
12 including Public Education Employees' Health Insurance Plan
13 reserves and the Public School Fund less the transportation
14 allowance.

15 "(c) Beginning with the fiscal year 1995-96, the
16 first cost to the Public School Fund, after complying with the
17 provisions of subsection (a), shall be the hold harmless
18 allowance. The hold harmless calculation shall continue until
19 no local board of education receives less funds per pupil than
20 it received in fiscal year 1994-95. However, this hold
21 harmless allowance shall terminate not later than September
22 30, 2002.

23 "(d) It is the intent of the Legislature that funds
24 shall be provided to local boards of education in addition to
25 Foundation Program funds to provide continuing funding to

1 provide for soundness and adequacy of public school facilities
2 in Alabama. To that end the remainder of the Public School
3 Fund after deducting the costs pursuant to subsection (a)
4 shall be available to the local boards of education for
5 capital outlay, including the planning, construction,
6 reconstruction, enlargement, improvement, repair or renovation
7 of public school facilities, for the purchase of land for
8 public school facilities, for debt payments related to public
9 school facilities, for insuring public school facilities, and
10 for the acquisition and/or purchase of education technology
11 and equipment.

12 "(e) It is the intent of the Legislature that the
13 distribution of capital funds for the purpose of capital
14 purchases from the Public School Fund be made to all school
15 systems, require a variable matching with local funds based on
16 yield per mill per average daily membership of district
17 property tax, and guarantee the same amount per student in
18 each system for capital purchases from the total of state and
19 matching local funds. The State Superintendent of Education
20 shall allocate the available funds pursuant to the rules
21 adopted by the State Board of Education. Also, to receive
22 funds from this appropriation, the local board of education
23 must develop a comprehensive, long range capital plan
24 addressing the facility, educational technology and equipment
25 needs of the local board of education, pursuant to the rules

1 adopted by the State Board of Education. The goal of this
2 program is to have each local board of education complete its
3 comprehensive, long range capital plan and begin making
4 satisfactory progress in implementing the plan for providing
5 adequate public school facilities for all students.

6 "(f) In addition to rules adopted by the State Board
7 of Education and used by the State Superintendent of Education
8 in the distribution of said funds, it is the intent of the
9 Legislature to impose the following. For fiscal year 1996 a
10 school system may elect to use up to 100 percent of its
11 matched capital purchase funds for serving at-risk students as
12 defined by the State Board of Education or a legislative
13 approved definition. For fiscal year 1997 a school system may
14 elect to use up to 75 percent, in fiscal year 1998 up to 50
15 percent, and in fiscal year 1999 up to 25 percent. It is the
16 intent of the Legislature that beginning in fiscal year 2000,
17 all public school funds must be used for capital purchases as
18 specified in subsection (e) above. School systems electing to
19 expend their allocations of capital purchase funds on at-risk
20 student programs pursuant to this subsection shall expend
21 those funds for effective programs and tutorial assistance
22 programs that include but shall not be limited to after
23 school, Saturday, and/or summer school; provided, that such
24 programs shall be outside of the normal day school."

1 Section 2. This act shall become effective
2 immediately following its passage and approval by the
3 Governor, or its otherwise becoming law.

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President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB43
Senate 24-MAR-11
I hereby certify that the within Act originated in and passed
the Senate.

Patrick Harris
Secretary

House of Representatives
Passed: 14-APR-11

By: Senator Brewbaker