

1 HB396
2 190651-1
3 By Representatives Ford and Davis
4 RFD: Education Policy
5 First Read: 08-FEB-18

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8 SYNOPSIS: Under existing law, each local board of
9 education is required to establish a local school
10 calendar providing 180 instructional days, or the
11 hourly equivalent thereof.

12 This bill would require each local board of
13 education to establish a local school calendar
14 providing 1050 instructional hours beginning with
15 the 2018-2019 school year, and would require that
16 teacher salaries remain at existing levels.

17 This bill would also require that the first
18 day of instruction for students begin no earlier
19 than the Monday two weeks before Labor Day.
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21 A BILL
22 TO BE ENTITLED
23 AN ACT
24

25 To amend Section 16-13-231, Code of Alabama 1975,
26 relating to the Flexible School Calendar Act of 2012; to
27 require each local board of education to establish a local

1 school calendar providing 1050 instructional hours, beginning
2 with the 2018-2019 school year, and each school year
3 thereafter; to require that the first day of instruction for
4 students be no earlier than two weeks before Labor Day; and to
5 require that teacher salaries remain at existing levels.

6 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

7 Section 1. Section 16-13-231 of the Code of Alabama
8 1975, is amended to read as follows:

9 "§16-13-231.

10 "(a) In addition to all other appropriations and
11 apportionments of public school money now provided by law and
12 made available for public schools there shall be apportioned
13 and paid to local boards of education from the Foundation
14 Program Fund, the amounts to be determined as hereinafter
15 provided and in accordance with regulations of the State Board
16 of Education. This Foundation Program Fund shall be used
17 principally:

18 "(1) To aid in providing at least a ~~180 full~~ 1050
19 instructional ~~day~~ hour minimum school term, ~~or the hourly~~
20 ~~equivalent thereof~~, except as otherwise provided in paragraph
21 c. of subdivision (1) of subsection (b); and,

22 "(2) To assist in the promotion of educational
23 opportunity for all children in the public schools.

24 "(b) The following requirements and procedures,
25 supplemented when necessary by regulations of the State Board
26 of Education, shall govern the apportionment of the fund:

1 "(1) REQUIREMENTS FOR PARTICIPATING IN FUND. In
2 order for a local board of education to share in the
3 apportionment of the Foundation Program Fund and to receive
4 the maximum benefits therefrom, the board shall meet the
5 following conditions:

6 "a. The appropriate local governing body must insure
7 that the local board of education within its jurisdiction is
8 receiving an amount of local tax receipts equivalent to ten
9 mills of school tax as computed from the most current assessed
10 valuation of property which comprises the school tax district
11 or districts of the local board of education. The State
12 Superintendent of Education shall determine compliance with
13 this provision of the law in accordance with rules or
14 procedures adopted by the State Board of Education. In
15 determining compliance for a county board of education, tax
16 revenues provided to the county board of education from the
17 county, from whatever tax source derived, shall be considered.
18 In determining compliance for a city board of education, tax
19 revenues provided to the city board of education by the county
20 and the city, from whatever tax source derived, shall be
21 considered.

22 "b. In the expenditure of all funds available for
23 the Foundation Program as herein defined, the local board of
24 education shall as nearly as practicable provide the same
25 length of term in all schools.

26 "c.1. The local board of education shall provide a
27 school term of at least ~~180 full~~ 1050 instructional ~~days, or~~

1 ~~the hourly equivalent of no less than 1080 instructional~~
2 hours beginning with the 2018-2019 school year. The local
3 academic school calendar shall be annually established by the
4 local board of education, within the parameters of
5 subparagraph 3. In case the local board of education fails to
6 operate any schools the minimum ~~180 full~~ 1050 instructional
7 day hour term, ~~or the hourly equivalent thereof~~, or the
8 minimum term as defined by the State Board of Education, the
9 Foundation Program allowances of the local board of education
10 shall be computed only for the actual period the schools are
11 in session that school year.

12 "2. In extreme circumstances involving natural
13 occurrences, health-related occurrences, or other extenuating
14 circumstances that result in the cancellation of ~~an~~
15 instructional day hours, a local board of education may submit
16 a plan for the approval of the State Superintendent of
17 Education to replace cancelled instructional ~~days~~ hours by
18 adjusting the school calendar to extend the hours of actual
19 teaching time on specified instructional days. At any time the
20 Governor declares a state of emergency for any part of the
21 state, any affected school system that is closed as a result
22 and loses student ~~days~~ hours or employee days, or both, may
23 appeal to the State Superintendent of Education for relief in
24 fulfilling the local school calendar with respect to student
25 ~~days~~ hours or employee days, or both, with no loss of income
26 to employees.

1 "3. The local board of education, in providing the
2 minimum required number of instructional ~~days~~ or hours, shall
3 have greater flexibility in establishing the school calendar
4 by adjusting ~~the days~~ or extending the hours of actual
5 teaching or instructional time provided on specified
6 instructional days for the schools under the jurisdiction of
7 the local board. The academic school calendar, established by
8 the local board of education, shall include the minimum
9 required number of instructional ~~days~~ or hours, with the first
10 day of instruction for students no earlier than the Monday two
11 calendar weeks before Labor Day, unless August 31 is a Monday,
12 then on Monday, August 17.

13 "d. The local board of education shall expend funds
14 for teachers' salaries in accordance with a salary schedule
15 adopted by the local board of education and approved by the
16 State Superintendent of Education. The salary schedule shall
17 be at least 100 percent of those salary amounts specified in
18 the State Minimum Salary Schedule by cell.

19 "The local board of education shall allocate state
20 and local Foundation Program funds to each school in an
21 equitable manner, based on the needs of the students and the
22 schools, as reflected in the current year's actual student
23 populations, including at-risk students, students receiving
24 special education services, and students enrolled in
25 vocational/technical educational programs. The local board of
26 education shall report annually to the State Board of
27 Education on how all state and local funds for public

1 education, including Foundation Program funds and capital
2 outlay funds, have been allocated to each of its schools or
3 area vocational centers.

4 "e. The local board of education shall submit to the
5 State Superintendent of Education, under the regulations of
6 the State Board of Education, the following:

7 "1. A proposed building program which sets out in
8 detail the location of all present and proposed buildings;
9 which indicates proposed educational centers and grades to be
10 taught at these centers and which provides schools for all
11 children of the local board of education.

12 "2. Except for those city boards of education not
13 maintaining a transportation system, a proposed transportation
14 program showing the proposed routing of buses and the
15 condition of all roads to be used for transportation.

16 "3. A proposed professional development program
17 which sets out in detail the professional development needs of
18 employees of the local board of education.

19 "4. A proposed technology program which sets out in
20 detail the proposed expenditures of technology funds.

21 "5. A proposed program for the provision of services
22 to students with disabilities and gifted students in
23 compliance with applicable state and federal laws.

24 "6. A proposed program for the provision of
25 vocational educational services in compliance with applicable
26 state and federal laws.

1 "7. A proposed program for the provision of
2 educational services to at-risk students in compliance with
3 applicable state and federal laws. The proposed program for
4 at-risk students shall include the provision that all funds
5 allocated shall be spent for at-risk students.

6 "f. The local board of education shall meet such
7 other standards as may be set up by the State Board of
8 Education to promote improved educational opportunity and
9 provide better schools.

10 "(2) DETERMINING COST OF FOUNDATION PROGRAM. In
11 determining the cost of the Foundation Program, the
12 Legislature, based on the recommendation of the State Board of
13 Education, shall proceed to find the following allowable costs
14 for each local board of education: Teachers' salaries, fringe
15 benefits, classroom instructional support, and other current
16 expense. The rate per employee set by the Legislature for
17 teachers' retirement and employees' health insurance shall be
18 in effect for the entire fiscal year and shall not be
19 increased by the Teachers' Retirement System or the Public
20 Education Employees' Health Insurance Board, except by further
21 action of the Legislature.

22 "a. The Foundation Program allowance for salaries of
23 teachers shall be determined as follows: The number of teacher
24 units allowed in Section 16-13-232 for each local board of
25 education shall be multiplied by the amount or amounts per
26 teacher unit, which amounts shall be based on the average
27 salaries for each major classification required by the

1 operation of the State Minimum Salary Schedule established by
2 the Legislature in the Education Trust Fund appropriation bill
3 and adopted by the State Board of Education. In recommending
4 to the Governor and the Legislature the State Minimum Salary
5 Schedule the State Board of Education shall give due
6 consideration to degree level, certification, and public
7 education experience. Any teacher, including, but not limited
8 to, a vocational education teacher, currently under contract
9 in excess of 187 days shall not have the term or salary of his
10 or her contract reduced as a result of this article.

11 "b. The Foundation Program allowance for fringe
12 benefits shall be determined by multiplying a uniform
13 percentage times the amount of teachers' salaries allowed in
14 paragraph a. above or by multiplying a fixed rate depending on
15 the type of fringe benefit. The fringe benefits allowances
16 shall include amounts for the employer's contribution for
17 teachers' retirement, health insurance, Social Security,
18 Medicare, unemployment compensation, personal leave, and sick
19 leave. The fringe benefits allowance may include allowances
20 for other fringe benefits as may be approved by the State
21 Legislature. The State Legislature shall seek the input and
22 advice of appropriate agencies and individuals in setting
23 allowances. The Teachers' Retirement System and the Public
24 Education Employees' Health Insurance Board shall recommend to
25 the Legislature, on or before the first legislative day of
26 each regular session of the Legislature, the rate for the

1 following fiscal year. The Legislature shall set the rate in
2 the annual appropriation bill.

3 "c. The Foundation Program allowance for classroom
4 instructional support shall be determined by multiplying a
5 uniform amount times the number of teacher units allowed in
6 Section 16-13-232. The uniform amount shall include allowances
7 for library enhancement, classroom materials and supplies,
8 professional development, and technology. The library
9 enhancement appropriation shall be for K-12 Public School
10 Library/Media Centers and is an absolute appropriation. Other
11 expenditures may include book binding, repair, CD Roms,
12 computer software, computer equipment, cataloging,
13 audio-visual materials, newspapers, magazines, recordings, and
14 video tapes. The uniform amount may include allowances for
15 other classroom instructional support as may be approved by
16 the State Board of Education. The Foundation Program allowance
17 for classroom instructional support shall also include an
18 allowance for textbooks which shall be determined on a per
19 pupil basis. The number of pupils shall be determined by the
20 number of pupils in average daily membership during the first
21 20 scholastic days after Labor Day of the preceding school
22 year. The State Board of Education shall recommend to the
23 Governor the amount for each cost factor included in classroom
24 instructional support on or before December 1 of the current
25 fiscal year for the ensuing fiscal year.

26 "d. The Foundation Program allowance for other
27 current expense shall be determined by multiplying a uniform

1 amount by the number of earned units. The uniform amount shall
2 be recommended by the State Board of Education to the Governor
3 on or before December 1 of the current fiscal year for the
4 ensuing fiscal year.

5 "e. The State Board of Education may cause, from
6 time to time, a study of allowances for teachers' salaries,
7 fringe benefits, classroom instructional support, and other
8 current expense of local boards of education to be conducted
9 and, based on the results of the study, may propose any
10 necessary changes to the Governor and Legislature.

11 "f. The total cost of the Foundation Program for any
12 local board of education shall be the total allowed for
13 teachers' salaries, for fringe benefits, for classroom
14 instructional support, and for other current expense. The
15 allowances herein to the local boards of education shall be
16 expended subject to all applicable laws, rules, and
17 regulations; however, the total funds calculated in the total
18 cost of the Foundation Program for teachers' salaries shall be
19 expended for salaries within the instructional program.

20 "(3) DETERMINING FUNDS AVAILABLE TO PROVIDE
21 FOUNDATION PROGRAM.

22 "a. The funds available to meet the cost of the
23 Foundation Program shall be appropriated by the Legislature
24 taking into consideration an amount of local effort required
25 on the part of each local board of education. The required
26 local effort charged against each local board of education for

1 its share of the cost of the Foundation Program shall be as
2 follows:

3 "1. For the 1995-96 fiscal year, the equivalent of
4 five mills of local school tax district ad valorem tax as
5 reported pursuant to subsection (b)(1)a.

6 "2. For the 1996-97 fiscal year, the equivalent of
7 seven and one-half mills of local school tax district ad
8 valorem tax as reported pursuant to subsection (b)(1)a.

9 "3. For the 1997-98 fiscal year, the equivalent of
10 ten mills of local school tax district ad valorem tax as
11 reported pursuant to subsection (b)(1)a.

12 "4. For each fiscal year thereafter, the equivalent
13 of ten mills of local school tax district ad valorem tax as
14 reported pursuant to subsection (b)(1)a.

15 "b. After calculating the total cost of the
16 Foundation Program for each local board of education, the
17 state allocation from the Education Trust Fund is calculated
18 by subtracting the local effort required by this section from
19 the total cost. Although the cost of the Foundation Program is
20 calculated for each school, the one sum allocation for each
21 local board of education shall flow monthly to the local board
22 of education. The state funds for the Foundation Program shall
23 be allotted by the State Board of Education consistent with
24 State Board of Education rules and regulations.

25 "(c) No local board of education may reduce the
26 amount in any cell of any employee salary schedule, or
27 otherwise reduce the compensation of any employee, based upon

1 the amendments to this section made by Act 2012-482, the act
2 adding this provision, or upon any future modification to its
3 calendar or schedule pursuant to the amendments to this
4 section made by Act 2012-482 or the act adding this provision.
5 Salary appropriations in all future Education Trust Fund
6 budgets shall be based upon the number of contract days,
7 instructional hours, and professional development days
8 allocated by the Legislature, ~~or the hourly equivalent~~
9 ~~thereof."~~

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