



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



What is a BIR?

Until both budgets go to the governor, the Budget Isolation Resolution (BIR) is a procedural requirement needing a supermajority vote before a bill may be considered on the floor. BIR votes can prevent controversial bills from being debated, but in turn, once this step is no longer needed it eases the way for passage of controversial legislation.

Timing is everything during the last days of a legislative session.

End of Session?

Talk in the State House hallways seems to indicate the legislature may adjourn "Sine Die" Friday, April 8. If so, lawmakers will be meeting for four consecutive days beginning next Tuesday. To adjourn Sine Die translates to adjourning indefinitely or "without setting a day" for future action or meeting. Stay tuned...

2022 Regular Legislative Session

4 days remain

Historic ETF Budget Delivers Big For K-12

The Senate passed a hefty \$8.2 billion Education Trust Fund (ETF) budget - [H.135 \(Garrett\)](#) - for FY23 Thursday that includes a 4-percent pay raise for educators and creates a new, expanded teacher salary matrix. While there were no substantial changes in K-12 line-item allocations from the House to Senate-passed budgets, the [revised salary matrix](#), which includes additional steps for years of service and annual 1-percent increases for teachers with nine years or more experience, signals a committed, long-term investment in Alabama's educators. "We need to incentivize those who are in education to stay in education," said **Senate Finance and Taxation Education Chair Sen. Arthur Orr**.

Since the budget originated in the House, the Senate-passed budget will require concurrence in the House when the legislature reconvenes next week.

[FY23 ETF Budget, Senate Passed](#) [Senate Floor Amendment](#)

[FY23 ETF Spreadsheet, Senate Passed](#)

Other budget-related bills requiring concurrence:

[H.267 \(Garrett\)](#) - **EAT Supplemental Appropriation** - would provide an allocation of \$205.7 million from the Education Advancement and Technology (EAT) Fund to school systems for these permissible expenditures: repairs and maintenance; classroom instructional support; insurance for facilities; transportation; acquisition and purchase of education technology; school security; and capital outlay. [Senate Floor Amendment](#)

[H.138 \(Garrett\)](#) - **Miscellaneous Supplemental Appropriation** - would make supplemental appropriations from the ETF of approximately \$1.2 billion to various agencies

and entities for the fiscal year ending September 30, 2022. **Please note:** The EAT Fund would receive \$745 million for K-14 and higher education to be allocated pursuant to passage of a separate EAT supplemental appropriation bill to be introduced at a later date.

What Happens Next? If the House chooses to non-concur with Senate changes to these bills, a conference committee of six members (three from each chamber) will be appointed by leadership to iron out differences in the legislation.

On the governor's desk as part of the budget package:

[H.136 \(Garrett\)](#) - **Pay Raise** - invests close to \$170 million to provide a 4% pay raise for education employees (including support personnel).

Numeracy Act Goes to Governor

Thanks to bipartisan support with a House vote of 76 to 24, the Alabama Numeracy Act ([S.171](#)) received final passage Tuesday.

Sponsored by **Sen. Arthur Orr** and shepherded in the House by **Rep. Alan Baker**, the Numeracy Act, aimed at elementary grades K-5, makes sweeping changes to math instruction and provides targeted teacher supports to improve student proficiency.

Beginning August 2022, the State Department of Education's (SDE) newly created Office of Mathematics Improvement (OMI) will identify full support and limited support schools.

- **Full support** - the lowest 5% of performing elementary schools.
- **Limited support** - the lowest 6% to 25% of performing elementary schools.

Beginning August 2023, all **full support schools** will receive intensive supports including:

- Professional development on foundational mathematics content knowledge;
- Training for principals and other instructional leaders;
- On-the-ground help from OMI regional coordinators and the Office of School Improvement to implement:
 - Instructional materials for core math instruction;
 - Intervention programs;
 - Effective multi-tiered systems of support; and
 - Assessment systems to monitor the progress of struggling students.

[View Numeracy Act: Overview and FAQs](#)

Tier II Revision: Final Passage

Last session, the legislature tweaked Tier II benefits for members of the Teachers Retirement System (TRS) by **passing a bill** allowing employees to accrue sick leave to count toward retirement credit. The original ask was to amend Tier II benefits to allow for sick leave accrual *and* retirement eligibility with 30 years of creditable service, but lawmakers limited last year’s bill to the single issue of sick leave accrual.

Continued efforts by **Rep. Alan Baker** to address concerns with Tier II benefits proved successful this year with final passage given to **H.134**, a bill sponsored by **Baker** to allow a Tier II employee to retire with 30 years of creditable service. The employee contribution rate will not increase and costs will be covered by the employer. However, if an employee retires with 30 years of creditable service and has not attained the age of 62, benefits will be reduced by 2% for each year under that age. Gone to governor; awaiting signature.

AASB thanks Rep. Baker for being such a dedicated champion for educators!

Auxiliary Teachers Bill Passes House

A bill to provide K-3 teachers with additional classroom help in low-performing schools cleared the House Tuesday. **H.429**, sponsored by **Rep. Nathaniel Ledbetter**, creates the framework for providing auxiliary teachers to assist K-3 teachers in low performing schools with instructional and noninstructional activities. Beginning with the 2023-24 school year, the bill proposes to phase in the employment of auxiliary teachers in schools where 75% or more of the student population has scored at Level 1 proficiency on the Alabama Comprehensive Assessment Program (ACAP). **There is \$5.4 million allocated in the FY23 ETF Budget to provide funding for the first-phase of auxiliary teachers.** The bill has been assigned to the Senate Finance & Taxation Education Committee.

Student Discipline Bill Still a Work in Progress

Efforts to find a compromise on a student discipline bill as requested by the House Education Policy Committee did not go far enough to win committee approval on Wednesday. The education community still has concerns with **S.79**, a bill sponsored by **Sen. Rodger Smitherman** that

would establish a uniform system of due process protections for students facing suspension or expulsion. While school leaders acknowledge that some concerns were addressed in a proposed substitute, several significant issues still remain in the legislation including: mutually agreed upon hearing officers; due process hearings for alternative school placement exceeding 10 days; proving evidence of intent; cross-examination with student witnesses; and confidentiality. The committee chair urged **Sen. Smitherman** and education groups to continue to work together to find common ground before a vote on the bill is taken by the committee next week.

School Boards Oppose Parents Choice Act

The **House Ways and Means Education Committee** held a public hearing on the third piece of legislation introduced this session that would subsidize private school tuition with public school dollars in the form of education savings accounts (ESA).

The Parents Choice Act (**H.452**), sponsored by **Rep. Charlotte Meadows**, would allow a parent who earns up to 500% of the federal poverty level to receive \$5,500 of ETF dollars to fund private tuition and qualifying education expenses for participating students. Despite the lack of a fiscal note - the bill - intended to compete for public school funds, would be a significant hit to the ETF as the program grows.

Speaking in opposition to the bill, **Arthur Watts, Chief School Financial Officer of Montgomery County Schools**, informed the committee that for every \$100 million allocated to subsidize ESAs, the state would lose funding for 1,388 teacher units that could be utilized to reduce teacher-student ratios in public school classrooms. **Shannon Cauley, board president of Baldwin County Schools**, asked committee members how it is right to use public tax dollars for private entities that do not participate in the same requirements as public schools, nor share in the same accountability.

No vote was taken on the bill and with time running out, it will not be considered this session. Meadows is expected to bring the bill back in 2023.

Thank you to Arthur Watts and Shannon Cauley for their time and comments speaking against this bill on behalf of AASB members!

Charter School Bills Dead

H. 459 (Collins)/S.302 (Marsh), companion bills that would expand charter school funding to include county-wide tax dollars are now dead. With legislative days running short and technical issues with funding language, sponsors took their bills off the table with plans to fix next year. However, (**H.138 Garrett**), a supplemental appropriation bill approved by the Senate Thursday allocates one-time state funding of \$2.9 million for charter schools to be distributed based on enrollment.

Indications are that a resolution will be introduced to establish a joint study group to look at future recommendations for charter school funding legislation.

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