

advocate for SCHOOLS



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



Enactments

Look for the 2022 AASB *Enactments* publication once all bills have been finalized. The Enactments provide Act numbers and a summary of all education-related general bills, local bills and resolutions.

Governor's Options

All bills passed by the Legislature on the final day are transmitted to the governor. The risk for every bill transmitted on the last day of a session is that lawmakers have no recourse to override a gubernatorial veto. The governor will now decide whether to sign the bill into law or let the bill die by her inaction which is called a "pocket veto". She has 10 days to act - April 17.

Another Special Session?

Speculation is the legislature will reconvene sometime late August or early September for a special session to address remaining federal dollars to be allocated from the American Rescue Plan Act (ARPA).

2022 Regular Legislative Session

No Legislative Days Remain

Sine Die: 2022 Session a Great One for K-12!

An \$8.3 billion Education Trust Fund (ETF) budget surpassing last year's record, including another pay raise for educators and an expanded teacher salary matrix, a targeted, long-term plan to increase math proficiency in schools and the addition of capital outlay as a qualified expenditure for Education Advancement and Technology (EAT) monies are just a few of the education wins lawmakers supported for K-12.

This fast-paced legislative session officially ended Thursday at midnight. While some controversial bills passed on the last day dealing with transgender youth, other controversial legislation introduced this session such as a ban on teaching divisive concepts, education vouchers, charter schools and gambling did not make it across the finish line.

Governor Signs Transgender Bathroom Bill

In the final hours of the session, legislators tacked on an amendment to the bill, [H.322 \(Stadthagen\)](#), requiring public school students to use restrooms and locker rooms designated for the sex shown on their birth certificates.

The [amendment](#) modeled after Florida's recently enacted "Don't Say Gay" law, prohibits K-5 educators from engaging in classroom discussion or instruction regarding sexual orientation or gender identity.

While it's not yet certain what impact this legislation might have on local boards, AASB issued the following statement: *"The amendment, while unnecessary, is unlikely to have any impact since sexual orientation and gender identity is not taught in Alabama public schools and the topic would generally not be age appropriate for classroom discussion at these grade levels. However, we are con-*

cerned that this amendment could make it even more difficult for school faculty to create safe environments for some students and families."

The bill didn't sit long. The governor signed it into law this morning - [Act 2002-290](#).

On Governor's Desk AL Literacy Act Revisions

A bill by **Sen. Rodger Smitherman (S.200)**, to delay the 3rd grade retention portion of the Alabama Literacy Act by two years (2023-24), cleared its last hurdle receiving final passage in the House on Tuesday. On the same day, another bill seeking changes to the Alabama Literacy Act, [H.220](#) by **Rep. Terri Collins**, received final passage in the Senate. **Rep. Collins' bill** requires other changes to the Act such as adding additional members to the Literacy Task Force, prohibiting students from being retained more than once in the 3rd grade and modifying good cause exemptions by allowing ELL students up to three years before being held accountable. Both bills call for the reduction of teacher paperwork to allow more focus on instruction.

Last year, the legislature approved a bill delaying retention for two-years, but it was vetoed by the governor. Prior to this session convening, the governor publicly expressed support for gathering more testing data, but was firm in wanting a set date for full implementation of the Act. The decision now rests with the governor.

Funding for Cyber Training

AASB and Alabama Leaders of Education Technology (ALET) worked tirelessly this session to increase funding for cyber security training and network assistants.

The [FY23 ETF Budget](#) contains \$10.4 million appropriation for cyber security (an \$8.6 million increase over current year) which

would allow school systems to employ and/or train network assistants to monitor and safeguard against cyber security threats and implement cyber security measures.

H.138, a supplemental appropriation bill sponsored by **House Ways and Means Education Chair Danny Garrett**, earmarks \$500,000 for employee cyber training to raise awareness of information security threats such as phishing, malware and the like. For the last two years, school systems benefited from this awareness training, but funding was set to expire this fall. This bill is part of the budget package expected to be signed by Gov. Ivey.

Special thanks to ETF Budget Chairs Rep. Danny Garrett and Sen. Arthur Orr as well as Rep. Alan Baker and lawmakers for their support and recognition of the importance of cyber funding and training in our schools!

School Construction Review

Seeking changes to a law enacted last year excluding school construction projects costing less than \$500,000 from approval by the Division of Construction Management (DCM), **H.419 (Ledbetter)**, received final passage. The bill requires local school systems to submit documentation to DCM for the sole purpose of **review and inspection** for compliance with the Americans with Disabilities Act (ADA) and fire and safety requirements.

Once documentation is submitted, DCM would issue recommendations, within 30 days, to the school relating to compliance - at no cost to the school. The bill also increases the cap from \$500,000 to \$750,000 for construction projects (including HVAC and roofing), to be excluded from **oversight and approval** by DCM. The bill is awaiting signature by the governor.

Opt-in for Mental Health Services

A bill to provide a mental health coordinator in every school system - **H.123 (Ledbetter)** - would now require local boards to also adopt a policy for parents to annually opt-in to mental health services for his/her child. No student under the age of 14 would be allowed to participate in ongoing mental health services, including counseling, without written parental consent. The bill received final passage Thursday and has gone to the governor for her consideration.

Auxiliary Teachers - What Now?

A bill to provide K-3 teachers with additional classroom help in low-performing schools failed to make it to a Special Order calendar for final passage on the last day of the session. **H.429 (Ledbetter)** created the framework for providing auxiliary teachers to assist K-3 teachers in low performing schools.

Set to begin with the 2023-24 school year, the bill would have allowed for the phase-in 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's \$5.4 million allocation in the **FY23 ETF Budget** - Auxiliary Teacher Grant Program for Underperforming Schools - to provide funding for the first-phase of auxiliary

teachers. However, the allocation was pursuant to passage of this bill which did not occur. AASB will keep you apprised as we get additional information, but initial indications are the State Department of Education is working on a plan for the allocation of these auxiliary teachers.

Ballot Measures for Schools

The legislature gave final approval to a bill (**S.313 Orr**) that would prevent local school systems from spending tax dollars to advocate for or against ballot referendums. However, the bill does allow officials to provide factual information using public funds and allows systems to expend local revenue to inform stakeholders as to what services or programs would be cut if ad valorem taxes are not passed or renewed. The bill has been sent to the governor for signature.

Student Discipline Bill Stalls

After extensive discussion during the final days of the session, a bill by **Sen. Rodger Smitherman (S.79)**, to establish a uniform system of due process protections for students facing suspension or expulsion, failed on a 6 to 6 vote by the **House Education Policy Committee**.

What Didn't Pass?

Look for a brief update next week on education-related bills that did not pass during this legislative session.

A Solid Benefit Improvement for Active Members

Until this session, many Retirement Systems of Alabama (RSA) members have been faced with the difficult decision to continuing to work or retiring early to protect their families. State law provides that if an RSA member is retirement-eligible and dies in active service, their beneficiary can only receive 50% of what the member would have received if they had retired. Many members who wanted to continue working may instead have retired early to lock in a higher benefit for their beneficiary.

Rep. Corley Ellis recognized this problem and worked with the RSA to correct it. Due to his efforts, and with the help of various groups and associations, the Legislature passed a bill to change this law. Under the new legislation (**Act 2002-184**) if a retirement-eligible member dies in active service, the surviving spouse can receive 100% of what the member would have received if they had retired. The only requirement is that the member must have designated the surviving spouse as their sole beneficiary. This change will allow members to continue working if they want and still ensure their spouses will be protected if something happens to them.

This is an important change that will have a significant impact for many RSA members and their families. The Legislature and the bill sponsor should be applauded for recognizing the importance of the issue and taking action to address it!

Written by Neah Scott, RSA Legislative Counsel
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AASB LEGISLATIVE TEAM



Sally Smith, J.D.
Executive Director

ssmith@AlabamaSchoolBoards.org



Bart Reeves, Ed.D.
Assistant Executive Director
for Governmental Relations

breeves@AlabamaSchoolBoards.org



Tracey Meyer
Governmental Relations
Coordinator

tmeyer@AlabamaSchoolBoards.org