

2011 Legislative Session

Adjustments To Instructional Days For Weather ([Act No. 2011-235](http://arc-sos.state.al.us/PAC/SOSACPDF.001/A0008528.PDF))

Allows a local board of education (upon approval of the State Superintendent of Education) to make up cancelled instructional days due to weather or other extenuating circumstances by adjusting the hours of instruction.

Budget FY12 ([Act No. 2011-655](http://arc-sos.state.al.us/PAC/SOSACPDF.001/A0008680.PDF))
Appropriates funds from the Education Trust Fund to state agencies, institutions, and public schools for the support, maintenance, and development of public education in Alabama for the fiscal year ending September 30, 2012. The education budget appropriates $5.59 billion from the Education Trust Fund, an increase of $240.7 million or 4.5% more than the current budget. However, the current budget includes $462.5 million in federal stimulus money that is not available next year.

***ETF spending for FY12***:

$3.62 billion (increase of $174.6 million or 5.1% for the foundation program)

$1.04 billion (increase of $51.4 million or 5.2% for public universities)

$320.1 million (decrease of $1.9 million or .6% for the two-year college system)

Child Nutrition Bill ([Act No. 2011-261](http://arc-sos.state.al.us/PAC/SOSACPDF.001/A0008555.PDF)) Authorizes use of Other Current Expense funds above the two-month reserve allocated to local boards of education and designated by Act No. 2010-610 for the Child Nutrition Program in the fiscal year ending September 30, 2011, for other uses as allowed by state law and the rules or regulations of the State Board of Education.

“Corruptly Influencing” Added to Ethics Law ([Act No. 2011-632](http://arc-sos.state.al.us/PAC/SOSACPDF.001/A0008713.PDF))

Clarifies that the prohibited offer, gift, solicitation, or receipt of anything, as contemplated in Section 36-25-7, Code of Alabama 2975, as amended, must be for the purpose of corruptly influencing official action and defines “corruptly.”

Concussions and Head Injury Training ([Act No. 2011-541](http://arc-sos.state.al.us/PAC/SOSACPDF.001/A0008674.PDF))

Requires each local board of education in concert with the Alabama High School Athletic Association to develop guidelines and other pertinent information regarding medical evaluation of concussions or head injuries; provides that a youth athlete who is suspected of sustaining a concussion or head injury in a practice or game shall be removed from competition at that time; and, requires a youth athlete who has been removed from play because of a concussion to receive a written clearance to return to play from a health care provider who has been trained in the evaluation and management of concussion before the player is allowed to return to play in a game.

Drop Repealed ([Act No. 2011-27](http://arc-sos.state.al.us/PAC/SOSACPDF.001/A0008318.PDF))

Repeals the Deferred Retirement Option Plan ("DROP") and provides that the rights and duties of persons who have elected to participate in DROP prior to such repeal shall not be affected.

Dual Party Relay Fund ([Act No. 2011-567](http://arc-sos.state.al.us/PAC/SOSACPDF.001/A0008746.PDF))

Requires the Public Service Commission to transfer $30 million from the Dual-Party Relay Fund to the Education Trust Fund. Funds from this transfer are part of the ETF FY12 budget.

Fractional Units ([Act No. 2011-264](http://arc-sos.state.al.us/PAC/SOSACPDF.001/A0008558.PDF))

Clarifies that fractional units shall be pooled by the local superintendent/board to achieve additional whole units for the school system. Any “left-over” fractional amount that cannot be pooled to complete a whole unit is retained by the system for use as salaries and benefits. This applies to fractional “teacher” units as well as “instructional support” (librarians, assistant principals, and counselors) units.

Immigration Bill ([Act No. 2011- 535](http://arc-sos.state.al.us/PAC/SOSACPDF.001/A0008649.PDF))

Relates to illegal immigration and requires public schools to determine the citizenship and immigration status of students enrolling; requires school districts to compile certain data and submit reports to the State Board of Education; and, requires the State Board of Education to submit an annual report to the Legislature and the Legislative Fiscal Office. Further requires that all public employers enroll in E-verify by April 1, 2012.

Interest Bearing Warrants ([Act No. 2011-631](http://arc-sos.state.al.us/PAC/SOSACPDF.001/A0008712.PDF))

Authorizes boards of education in the State of Alabama to issue and sell, upon written approval of the State Superintendent of Education, warrants payable from, and secured by a pledge of, revenues of such board which are lawfully available and are designated by the board for educational and public school purposes, regardless of whether such indebtedness was incurred under this act or under other provisions of law and regardless of whether such indebtedness is a direct or indirect obligation of such board and to authorize counties and municipalities to provide financial and other assistance to boards of education within the jurisdiction thereof.

Job Posting/Interim Superintendent clarified ([Act No. 2011-573](http://arc-sos.state.al.us/PAC/SOSACPDF.001/A0008752.PDF))

Extends the deadline for the local board of education to fill the position of superintendent from 120 to 180 days and provides for the appointment of an interim superintendent of education; requires an announcement in a regular or special meeting within 90 of the occurrence of a vacancy, a proposed process and timeline for posting and selecting a superintendent; and, whenever a vacancy occurs in the position of an appointed county superintendent of education the county board of education may appoint an interim superintendent to serve up to 180 days. The interim superintendent of education must meet minimum criteria required to serve as a superintendent of education.

Multi State Compact ([Act No. 2011- 616](http://arc-sos.state.al.us/PAC/SOSACPDF.001/A0008795.PDF))
This bill provides about $15 million for the ETF FY12 budget by changing the sourcing rules for sales other than sales of tangible personal property such that the sale is in this state if the taxpayer's market is in this state; and to increase the weight given the sales factor in the apportionment of business income.

PEEHIP Changes ([Act No. 2011-704](http://arc-sos.state.al.us/PAC/SOSACPDF.001/A0009004.PDF))

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| **Retire after September 30, 2005 but before January 1, 2012** | Employer contribution shall be reduced by 2% for each year of service less than 25 and increased by 2% for each year of service over 25 subject to adjustment by the board for changes in Medicare premium costs required to be paid by a retiree. Employer cost cannot exceed 100% of the total health insurance premium cost for the retiree. |
| **Retire after December 31, 2011** | Employer contribution to the health insurance premium shall be **reduced by 4% for each year of service less than 25 and increased by 2% for each year of service over 25**, subject to adjustment by the board for changes in Medicare premium costs required to be paid by a retiree. |
| **Retire after December 31, 2011**not covered by Medicare, regardless of years of service, | Employer contribution to the health insurance premium shall be **reduced by a percentage equal to 1% multiplied by the difference between the Medicare entitlement age and the age of the employee at the time of retirement as determined by the board**. This reduction in the employer contribution shall cease upon notification to the board of the attainment of Medicare coverage. |
| **No later than October 1, 2016** | Employer contribution to the health insurance premium for employees who retire after December 31, 2011, shall not exceed the amount of the employer contribution to cover the cost of an active employee. |
| **DROP Participants** | The date the participant entered DROP is considered his or her retirement date for the purposes of the act adding this subsection only, provided that the DROP participant: (1) Does not voluntarily terminate participation in DROP within the first 3 years; and (2) Withdraws from service at the end of the DROP participation period. |

Presidential Preference Primary Changed to March ([Act No. 2011-566](http://arc-sos.state.al.us/PAC/SOSACPDF.001/A0008745.PDF))

Moves the presidential preference primary to March, beginning in 2012, and will also move the regular primary election to March in presidential primary years. This will result in one less election during 2012 and every fourth year thereafter.

PSF Used for Debt Service ([Act No. 2011-163](http://arc-sos.state.al.us/PAC/SOSACPDF.001/A0008454.PDF))

Allows Public School funds (from the 3.0 mill statewide property tax) to be used for debt payments related to public school facilities and the purchase of insurance on public school facilities as approved expenditures from the Public-School Fund.

Public Officials and Spouses, Additional Ethics Reporting
([Act No. 2011-674](http://arc-sos.state.al.us/PAC/SOSACPDF.001/A0008986.PDF)) Requires public disclosure of the names of public officials, candidates, or spouses of public officials or candidates who are employed by the state or the federal government or who have a contract with the state or the federal government.

Retirement Increases ([Act No. 2011-676](http://arc-sos.state.al.us/PAC/SOSACPDF.001/A0008987.PDF)) Reduces the state’s cost in the education budget by about $82 million for FY12. There would be additional savings in the 2013 fiscal year.Employee contribution would increase to 7.25% of income on Oct. 1, 2011 and to 7.5% on Oct. 1, 2012. Most state employees currently pay 5% of their income toward retirement.

Rolling Reserve Act ([Act No. 2011-3](http://arc-sos.state.al.us/PAC/SOSACPDF.001/A0008294.PDF))

Provides for the maximum amount that may be appropriated annually from the Education Trust Fund; and provides for the establishment and operation of a budget stabilization fund and a capital fund for the Education Trust Fund.

Service Animals ([Act No. 2011-578](http://arc-sos.state.al.us/PAC/SOSACPDF.001/A0008757.PDF))
Allows students with disabilities, including persons diagnosed with autism spectrum, the use of service animals in public places, including public or private schools. It would increase costs to local school systems by requiring aides assigned to a disabled child to be trained with the service animal.

Students First Act ([Act No. 2011-270](http://arc-sos.state.al.us/PAC/SOSACPDF.001/A0008562.PDF))

Repeals and replaces the Teacher Tenure Act and the Fair Dismissal Act. It keeps tenure protection for teachers while giving local school systems and community colleges the authority to terminate problem employees for justifiable cause. It removes federal arbitration for termination appeals and replaces it with an appeals procedure that guarantees due process for teachers while ensuring cost savings for local schools.

Tornado Damaged Schools ([Act 2011-231](http://arc-sos.state.al.us/PAC/SOSACPDF.001/A0008524.PDF))

States that the Legislature will work with the Governor and provide assistance to those schools damaged by the tornadoes of April 27, 2011.