**SUMMARIES**

**OF**

**EDUCATION LAWS ENACTED AND**

**CONSTITUTIONAL AMENDMENTS PROPOSED**

**BY THE LEGISLATURE OF ALABAMA**

**2014 REGULAR SESSION**

[**Act 2014-16**](http://arc-sos.state.al.us/PAC/SOSACPDF.001/A0010092.PDF)**, SB217**, creates the Alabama Workforce Council, an appointed group of state business and industry senior managers responsible for advising and supporting the Chancellor of the Alabama Community College System and the Superintendent of the Alabama Department of Education relating to the formulation of polices, the development of innovative educational workforce programming, and the discussion of issues critical to the workforce development needs of this state. The council consists of members appointed by the Governor, Lieutenant Governor, Speaker of the House of Representatives, the President Pro Tempore of the Senate, one member from each of the 10 designated regions of the state, and the Director of the Governor’s Office of Workforce Development, as an ex officio member. The act provides that the Secretary of Commerce is responsible for the administrative functions of the council and requires the council to annually report to the Governor, the Legislature, the State Board of Education, and the Alabama Council of College and University Presidents.

EFFECTIVE DATE: May 1, 2014.

[**Act 2014-124**](http://arc-sos.state.al.us/PAC/SOSACPDF.001/A0010200.PDF)**, HB64**, provides that education employees, acting in their official capacity, are an agent of the state for purposes of sovereign provisions of Article I, Section 14, of the Constitution of Alabama of 1901. The act also states the basis on which an officer, employee, or agent of the state, including an education employee, is immune from civil liability in his or her personal capacity, such as the exercise of judgment in the administration of a department or agency of government.

EFFECTIVE DATE: March 5, 2014.

[**Act 2014-133**](http://arc-sos.state.al.us/PAC/SOSACPDF.001/A0010209.PDF)**, SB173**, requires the state, a county, municipality, or any other governmental or quasi-governmental entity to disclose to the public certain information concerning the purchase of any real property using public funds within 60 days following the purchase. The required disclosures include appraisal information, contracts, terms of the purchase, source of funds, and any other related materials.

EFFECTIVE DATE: June 1, 2014.

[**Act 2014-185**](http://arc-sos.state.al.us/PAC/SOSACPDF.001/A0010262.PDF)**, SB7**, proposes an amendment to Amendment 621 to the Constitution of Alabama of 1901, relating to unfunded mandates for municipalities, to remove the exception for expenditures by a local board of education. The proposed amendment specifies that the phrase “board of education” includes the Alabama Institute for Deaf and Blind, the Alabama School of Fine Arts, and the Alabama High School of Mathematics and Science.

EFFECTIVE DATE: Contingent upon ratification.

[**Act 2014-245**](http://arc-sos.state.al.us/PAC/SOSACPDF.001/A0010323.PDF)**, SB38**, amends Sections 16-1-11, 16-28-1, 16-28-7, 16-46-1, 16-46-2, 16-46-3, 16-46-4, 16-46-5, 16-46-6, 16-46-7, 16-46-8, 16-46-9, and 16-46-10, Code of Alabama 1975, to clarify that nonpublic schools, including private, church, parochial, and religious schools, offering educational instruction in grades K-12, as well as home-schooled students, are not subject to regulation by the Department of Education, the State Board of Education, or the State Superintendent of Education and may not be regulated by the state or any political subdivision of the state. The act requires nonpublic schools to comply with attendance laws and perform criminal history background checks on employees, prohibits public two-year or four-year institutions of higher education from denying admittance to or otherwise discriminating against a qualified student based upon his or her attendance at a nonpublic school, and prohibits the State Department of Education from denying certification to a person based upon his or her employment by an elementary or secondary nonpublic school. The act also provides that all nonpublic schools that are members of the Alabama High School Athletic Association must be in compliance with the constitution and bylaws established by the association member schools.

EFFECTIVE DATE: July 1, 2014.

[**Act 2014-261**](http://arc-sos.state.al.us/PAC/SOSACPDF.001/A0010339.PDF)**, HB362**, amends Section 41-15-4, Code of Alabama 1975, relating to the State Insurance Fund, to require the risk manager, with the approval of the Finance Director, to develop a program of gap coverage and gap plus coverage, as defined in the act, to provide proceeds sufficient to allow a K-12 public school building that has been rendered a total loss as a result of a covered peril to be reconstructed with materials superior to its original construction and in an increased size, if appropriate, based upon current construction standards and occupancy. The act requires the risk manager to draft rules, guidelines, limitations, and coverage endorsements for the program and to determine actuarially sound premiums to be paid annually from the Public School Fund to the Department of Finance, Division of Risk Management.

EFFECTIVE DATE: July 1, 2014.

[**Act 2014-274**](http://arc-sos.state.al.us/PAC/SOSACPDF.001/A0010352.PDF)**, SB75**, is the Jessica Elkins Act. The act requires local school systems to provide certain information to parents and guardians of students in grades six through 12 on meningococcal meningitis disease and its vaccine whenever other health information is provided.

EFFECTIVE DATE: July 1, 2014.

[**Act 2014-297**](http://arc-sos.state.al.us/PAC/SOSACPDF.001/A0010378.PDF)**, SB120**,amends Sections 16-25-26 and 36-27-8.2, Code of Alabama 1975, relating to the Teachers’ Retirement System and the Employees’ Retirement System, to allow part-time service by a retiree as an independent contractor. The act also requires the retiree to provide written notice of the postretirement employment to the retirement system within 30 days after the date the retiree knows or should know that he or she will be performing duties on a full-time or permanent basis or will earn an amount in excess of the annual earnings limit.

EFFECTIVE DATE: April 8, 2014.

[**Act 2014-314**](http://arc-sos.state.al.us/PAC/SOSACPDF.001/A0010395.PDF)**, HB83**, amends Sections 41-15A-2 and 41-15A-6, Code of Alabama 1975, to authorize the Comptroller to transmit funds from the Penny Trust Fund to the Department of Public Health for the Alabama Drug Assistance Program and other similar programs upon the application of the State Health Officer and to the State Board of Education for the promotion of the public health of children in public schools upon the application of the State Superintendent of Education. The act limits appropriations in subsequent years to a maximum of 90 percent of the prior fiscal year's earnings of the Penny Trust Fund. The act also expands the membership of the Board of Control of the Penny Trust Fund by adding two members appointed by the Governor and requires the board to develop and approve an investment policy and annually notify the State Superintendent of Education and the State Health Officer of funds eligible for payment from the Penny Trust Fund.

EFFECTIVE DATE: October 1, 2014.

[**Act 2014-318**](http://arc-sos.state.al.us/PAC/SOSACPDF.001/A0010399.PDF)**, HB229**, makes an appropriation of $40,972,964 from the Children First Trust Fund for the fiscal year ending September 30, 2015, to the entities delineated in Section 41-15B-2.2, Code of Alabama 1975. The act also provides for the deposit of tobacco settlement revenues in the Children First Trust Fund, requires written notification of anticipated agency allocations by the Director of Finance, and conditions the allocations on the receipt of tobacco revenues. The act makes an appropriation of $44,875,562 from other tobacco settlement funds for the fiscal year ending September 30, 2015, to specified entities, including the Medicaid Agency. The act also makes conditional appropriations of additional tobacco revenues.

EFFECTIVE DATE: April 8, 2014.

[**Act 2014-325**](http://arc-sos.state.al.us/PAC/SOSACPDF.001/A0010406.PDF)**, HB129**, amends Sections 40-23-4 and 40-23-62, Code of Alabama 1975, to clarify that the gross proceeds of sales to, or the storage, use, or other consumption, of tangible personal property by private schools, colleges, and universities, not including nurseries, day care centers, or home schools, located in this state are exempt from state and local sales and use tax. The act provides that this exemption also applies to lunches sold to school children in public or private schools while in school buildings that are not sold for profit. The act provides that no refunds may be issued for those periods prior to the effective date of the act.

EFFECTIVE DATE: Effective April 8, 2014, retroactive to all open tax periods for which a preliminary or final assessment of tax could be entered pursuant to Section 40-2A-7, Code of Alabama 1975, or any successor general or local law.

[**Act 2014-372**](http://arc-sos.state.al.us/PAC/SOSACPDF.001/A0010453.PDF)**, SB10**, dissolves the Foundation for Local Schools and provides for the disbursement of assets held in the foundation. The act repeals Chapter 26C of Title 16, consisting of Sections 16-26C-1 to 16-26C-13, Code of Alabama 1975, relating to the Foundation for Local Schools.

EFFECTIVE DATE: April 9, 2014.

[**Act 2014-403**](http://arc-sos.state.al.us/PAC/SOSACPDF.001/A0010484.PDF)**, HB191**, amends Section 16-28-3, Code of Alabama 1975, to require that any child who withdraws from a public school to enroll in and attend a Southern Association of Colleges and Schools accredited institution or certain other accredited online school be counted as a transfer student and to require grade placement testing for any student who returns to a public school after the transfer. The act also provides that it may not be interpreted to create online schools.

EFFECTIVE DATE: July 1, 2014.

[**Act 2014-405**](http://arc-sos.state.al.us/PAC/SOSACPDF.001/A0010486.PDF)**, HB156**, requires the State Department of Education to develop, and each local board of education to adopt and implement, an anaphylaxis preparedness program commencing with the 2015-2016 scholastic year. The act also authorizes local boards of education to collaborate with a physician to implement a protocol for emergency response that includes a supply of auto-injectable epinephrine on each school campus, contingent upon state funding.

EFFECTIVE DATE: July 1, 2014.

[**Act 2014-421**](http://arc-sos.state.al.us/PAC/SOSACPDF.001/A0010510.PDF)**, SB297**, amends Section 15-20A-17, Code of Alabama 1975, to provide that it is a Class C felony for an adult sex offender convicted of a sex offense involving a minor to enter K-12 school property while school is in session or to attend any school activity without first notifying and reporting to the principal and complying with any school rules regarding the visit.

EFFECTIVE DATE: April 10, 2014.

[**Act 2014-437**](http://arc-sos.state.al.us/PAC/SOSACPDF.001/A0010521.PDF)**, SB57**, is the Alabama Safe at Schools Act. The act provides for the delegation of specific medical procedures related to diabetes to certain public school personnel for students based on their Individual Health Plan. The act provides for the training of school personnel relating to the diabetic needs of students pursuant to guidelines developed by the State Department of Education in consultation with the Alabama Board of Nursing. The act also provides civil immunity to public schools and certain school personnel for acts or omissions in the supervision or rendering of services, care, or assistance to a student under the act and provides immunity to a physician for any orders, acts, or omissions directly related to the Individual Health Plan under the act, including any vicarious liability for the acts of school employees and officials in carrying out the Individual Health Plan.

EFFECTIVE DATE: July 1, 2014.

[**Act 2014-456**](http://arc-sos.state.al.us/PAC/SOSACPDF.001/A0010537.PDF)**, SB184**, is the Education Trust Fund Budget. The act makes appropriations for the support, maintenance, and development of public education, for debt service, and for capital outlay for the fiscal year ending September 30, 2015.

EFFECTIVE DATE: October 1, 2014.