

ACT No. 2005-198

1 HB258
2 71229-5
3 By Representative Graham
4 RFD: Education Finance and Appropriations
5 First Read: 03-FEB-05



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ENROLLED, An Act,

To amend Section 16-1-8.1 of the Code of Alabama 1975, to provide further for the allocation of funds for student materials and to add the element of common purchases; and to provide for certain supplemental allocation of student material allotments for common purchases.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 16-1-8.1 of the Code of Alabama 1975, is amended to read as follows:

"§16-1-8.1.

"(a) For purposes of this section, classroom instructional support means all ~~components~~ elements of classroom instructional support as provided in the Foundation Program, with the exception of textbook funds, as specified in Sections 16-6B-10 and 16-13-231, including, but not limited to, library enhancement, classroom student materials and ~~supplies~~, professional development, technology, common purchases, and other classroom instructional support approved by the State Board of Education.

"All funds allocated in the Foundation Program for library enhancement, student materials, technology, and professional development, and common purchases shall be spent only for the purpose for which they were allocated. ~~Media~~

1 Library media specialists shall be consulted in budgeting all
2 library enhancement funds.

3 "(b) The procedures for ordering, and the
4 regulations applying to, classroom instructional support shall
5 be as follows:

6 "(1) BUDGET COMMITTEE. Each school shall have a
7 budget committee. The committee shall be comprised of five
8 members consisting of four teachers and the school's
9 principal, or the principal's designee. The teachers on the
10 committee shall be elected annually by secret ballot by
11 majority vote of the teachers voting at each school. The
12 budget committee shall propose a budget for classroom
13 instructional support, excluding student materials. The
14 proposed budget shall be consistent with the latest plans for
15 professional development and technology developed at the local
16 school level by the principal and faculty and submitted by the
17 local board of education to the State Superintendent of
18 Education pursuant to Section 16-13-231(b)(1)e. The proposed
19 budget shall outline common purchases and shall specify the
20 common items which may be purchased. The proposed budget shall
21 also specify the amount to be allotted for each teacher, if
22 applicable. Any funds allocated by the Legislature for student
23 materials shall be given directly to each teacher as specified
24 in the allocation for use directly in his or her classroom as
25 determined exclusively by the teacher. The committee shall

1 elect a chairperson from among its membership. The committee
2 shall also elect a secretary from its membership who shall be
3 responsible for keeping minutes of the meetings of the budget
4 committee and actions taken to approve the budget during the
5 secret balloting process. The committee may form advisory
6 subcommittees from teachers at the various grade or department
7 levels, or both levels.

8 "(2) APPROVAL BY TEACHERS. The proposed budget from
9 the budget committee shall be submitted to the teachers at an
10 annual meeting. Before any part of any proposed budget is
11 implemented, the teachers at the school, through a majority
12 vote of those voting, shall approve the proposed budget
13 utilizing a secret balloting process. Teachers shall have at
14 least two work days to review the proposed budget before a
15 vote is taken. Any proposed budget which does not receive
16 approval shall be returned to the budget committee for
17 reformulation, taking into consideration the teachers'
18 recommendations offered at the school's annual meeting at the
19 beginning of the school year or at a spring meeting at the end
20 of the scholastic year, or both. If the proposed budget is not
21 approved, the budget committee shall submit another proposed
22 budget for review and consideration by the teachers, and this
23 procedure shall continue until such time as the teachers
24 approve a budget utilizing the procedures of this section. A
25 report on the budget which is approved by a majority vote of

1 the teachers voting shall be transmitted to the local
2 superintendent on uniform forms provided by the State
3 Department of Education.

4 "(3) DUTIES OF LOCAL SUPERINTENDENT. The local
5 superintendent shall submit a notarized affidavit to the State
6 Superintendent of Education. The affidavit shall certify that
7 all funds allocated for classroom instructional support have
8 been properly spent and that all legal requirements have been
9 properly observed and implemented. On the affidavit, the
10 superintendent shall certify the amount of monies expended at
11 each school, delineating the amounts spent for collective
12 purchases and the amounts received by the teachers at each
13 school. The local superintendent shall take care to insure
14 that each teacher employed is able to order and receive his or
15 her allocation of classroom instructional support during each
16 year as provided in this section.

17 "(4) ~~TIMELINES~~ TIMELINESS. Any or all of the funds
18 for classroom instructional support shall be made available to
19 each teacher before December 1, ~~however, the~~. The teacher may
20 order, in whole or in part, his or her allocation anytime
21 during the applicable fiscal year. It is the intent of the
22 Legislature that teachers should have their full allocation of
23 classroom instructional support as soon in the school year as
24 possible in order to promote learning.

1 "(5) PERMISSIBLE EXPENDITURES. Monies allocated for
2 classroom instructional support may be spent for classroom
3 instructional support purposes only, to be used either by
4 classroom teachers or students in each teacher's respective
5 classes. It shall be permissible to expend these monies on
6 instructional equipment and electrical equipment which is
7 actually utilized with students in the teacher's classroom.
8 Funds provided per school for common purchases shall be
9 expended according to the decisions of the local school budget
10 committee.

11 "All monies allocated and expended shall be
12 consistent with the latest plans for professional development
13 and technology developed at the local school level by the
14 principal and the faculty and submitted by the local board of
15 education to the State Superintendent of Education pursuant to
16 Section 16-13-231(b)(1)e.

17 "(6) COMPETITIVE BIDS AND VOUCHERS. Each local board
18 of education may purchase classroom instructional support in
19 bulk pursuant to the state competitive bid law. The board may
20 also authorize each school or individual teachers to purchase
21 materials and supplies, instructional equipment, and
22 electrical equipment for classroom instruction by the voucher
23 system, with no one item exceeding the sum of seven thousand
24 five hundred dollars (\$7,500). The local board shall establish

1 and require proper accounting procedures and safeguards for
2 purchases by the voucher system.

3 "(7) POLICIES AND PROCEDURES. Policies and
4 procedures shall be developed and implemented to insure that
5 each teacher receives his or her full allocated amount for
6 classroom instructional support in conjunction with the
7 approved budget in a timely manner after each order is placed.
8 Procedures and policies utilized and adopted to implement this
9 section shall be established and determined prior to the
10 beginning of the school year by each local board with
11 recommendations from the organization representing the
12 majority of employees as provided in Section 16-1-30.

13 "(8) UNSPENT FUNDS. Any funds appropriated for
14 classroom instructional support but not expended according to
15 this section by the end of each fiscal year shall revert to
16 the Education Trust Fund.

17 "(9) PRORATION. In the event proration of the
18 Education Trust Fund is declared by the Governor, each local
19 school system shall nevertheless insure that at least 80
20 percent of its allocation per teacher for classroom
21 instructional support shall be expended according to this
22 section. No portion of a teacher's classroom instructional
23 support money shall be withheld until and unless the Governor
24 officially declares proration of the Education Trust Fund.

1 "(10) TRANSFER WITH TEACHER DISALLOWED. Classroom
2 instructional support monies are to be expended on behalf of
3 students at a specific school and are not transportable with
4 the teacher if the teacher is transferred to another school.

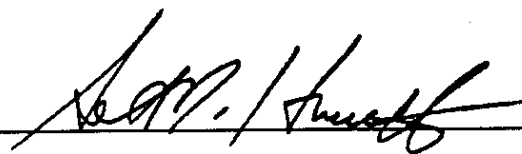
5 "(11) EXAMINERS OF PUBLIC ACCOUNTS. All expenditures
6 for classroom instructional support and related documents by
7 each county and city board of education shall be subject to
8 audit by the Examiners of Public Accounts.

9 "(12) COLLATERAL REFERENCES. References to
10 "instructional supplies" contained in Section 16-6B-10 shall
11 be understood to be the same as "student materials ~~and~~
12 supplies"."

13 "(13) Any other provision of this section to the
14 contrary notwithstanding, the budget committee of a school may
15 propose the expenditure of up to one hundred dollars (\$100)
16 from the student materials allotment of the school to
17 supplement the common purchases funding appropriated by the
18 Legislature, subject to the approval of the teachers as
19 provided in subdivision (2). When the first annual Education
20 Budget Act after the effective date of this amendatory act
21 appropriates the minimum sum of two hundred dollars (\$200) per
22 Foundation Program unit for common purchases, this subdivision
23 becomes inoperative and may not be utilized in subsequent
24 fiscal years."

1 Section 2. This act shall become effective on
2 October 1, 2005, following its passage and approval by the
3 Governor, or its otherwise becoming law.

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Speaker of the House of Representatives



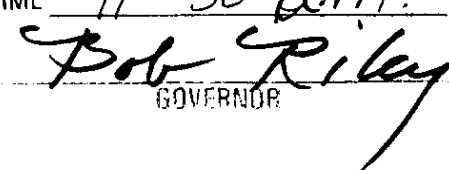
President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in
and was passed by the House 03-MAY-05, as amended.

Greg Pappas
Clerk

Senate _____ 16-MAY-05 _____ Passed

APPROVED 05/25/05
TIME 11:30 a.m.

GOVERNOR

Alabama Secretary Of State

Act Num....: 2005-198
Bill Num....: H-258