
School Laws

School Business Operations I

ASBO Purchasing/ Procurement Training

September 21, 2021

Alabama Laws

- Constitutional Amendments
 - State-wide Application
 - Local Application

 - Acts of Alabama
 - State-wide Acts
 - Local Acts
-

State-wide Acts

- Code of Alabama, 1975
 - Laws Relating to Education
 - Title 16
 - §16-13B-3 (also written as Section 16-13B-3)
 - **Title 16**
 - **Chapter 13B**
 - **Section 3 – Emergency action.**
-

Local Acts

- Some Laws Relating to Local Acts
 - Title 45 of the Code of Alabama, 1975
 - Title 45 currently stops with Mobile County.
 - Do not rely on Title 45 for all local acts.
-

Accessing Alabama Laws

- Available from Alabama Department of Education web site –
www.alabamaachieves.org
 - Locate **Alabama Directory** at bottom of page.
 - Enter **legislature** in text box.
 - Select **Legislature, Alabama**.
 - Select **Resources** on top left of page.
 - Select **Code of Alabama** tab under Law.
-

Alabama Directory



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[AIM](#) | [Teach in Alabama](#) | [Teach Alabama – TEAMS](#)



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State Resources

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Alabama Legislature - Resources

Code of
Alabama

Constitution of
Alabama

Alabama
Administrative
Code

Code of Alabama

- Search – if the specific law is unknown.
- View – if you know what you're looking for.
 - Title 16 EDUCATION
 - Chapter 13B COMPETITIVE BIDDING FOR CERTAIN CONTRACTS OF COUNTY AND CITY BOARDS OF EDUCATION.
 - Section 16-13B-3 Emergency action.

Note the Legislative Act number at the end of each section. This specific section shows **Act 2009-760**.

Code of Alabama (cont.)

- Using the Search tool looks at the entire Code of Alabama not just the Laws of Alabama Relating to Education – Title 16.
 - Instead, try searching through the descriptions of the sections at the beginning of the Title 16 Chapters.
-

Chapter 13B

- [Section 16-13B-1](#) Applicability; local preference zone; joint agreement; bid bond.
 - [Section 16-13B-2](#) Exceptions to competitive bidding requirements.
 - [Section 16-13B-3](#) Emergency action.
 - [Section 16-13B-4](#) Notice of proposed purchase; bids; reverse auction procedures.
 - [Section 16-13B-5](#) Collusive agreements.
 - [Section 16-13B-6](#) Advance disclosure of bid terms.
 - [Section 16-13B-7](#) Defaulting bidder; award to second lowest responsible bidder; preferences; sole source specification; life cycle costs; rejection of bids; lease-purchase contracts.
 - [Section 16-13B-8](#) Bond requirement.
 - [Section 16-13B-9](#) Assignment of contract.
 - [Section 16-13B-10](#) Conflict of interests; violations.
 - [Section 16-13B-11](#) Action to enjoin execution of contract.
-

School-Related Laws

- Purchase of Real Property – Title 9
 - The disclosure requirements for appraisal of real property purchased with public funds (Section 9-15-100) was passed in 2014. **(Act No. 2014-133)**

- Public Works – Title 39
 - Construction, renovations and repairs of public facilities.

Note: Bid laws for schools in Title 41 are moved to Title 16 Chapter 13B.

Other Laws

- Section 41-16A-1 Governmental leasing.
 - Authorization for alternative financing contracts for acquisition of tangible property.

 - Section 41-16-140 Guaranteed Energy Cost Savings Contracts.
 - Requirements for entering contracts for energy cost savings measures for a maximum term of 20 years.

 - Section 13A-10-82 Misuse of confidential information.
 - Public servant acquires property interest in contemplation of official action on property.
-

Acts of Alabama

- Sometimes a state law is referred to by its Act number. To locate an Act:
 - Go to the Alabama Department of Education web site – www.alabamaachieves.org.
 - Locate **Alabama Directory** at bottom of page.
 - Enter **secretary** in text box.
 - Select **Secretary of State, Alabama**.
 - The Legislative Acts are located under the **Records** tab.
-

Secretary of State Web Site



Alabama Secretary of State

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Official Website of the
Alabama Secretary of State

John H. Merrill



Legislative Acts

Government Records Inquiry System

Welcome to the Secretary of State's Government Records Inquiry System. This facility provides you easy access to public information maintained by the Secretary of State's office in electronic format. You can search all legislative acts from 1987 to the present. Basic descriptions are available for the entire period, and complete copies of the acts are included from mid-1999 (Act 1999-319) forward.

For complete copies of older legislative acts (Statehood to mid-1999), visit the [digital collections of the Alabama Department of Archives and History](#). There you can search all acts from 1818 to 1999.

Legislative Acts Search Options

- [Act Number](#)
 - [Bill Number](#)
 - [Legislative Author](#)
 - [Description](#)
 - [Subject](#)
 - [Act Year](#)
-

State Law Course for Superintendents

- All superintendents are required to complete a course on school laws. The course is currently provided through the University of Alabama. The school law training manual for the school law course can be accessed by:
 - Going to the University of Alabama's web site – www.ua.edu and enter Superintendent's Academy in the Search field.
 - Select **ALABAMA SUPERINTENDENT'S ACADEMY- Home**. Select **Resources**. The training manual is under **School Law**.
- (The **School Finance** training manual is also here.)
-

Superintendent's Academy

School Law

- Instructional Leadership
 - School Finance
 - School Law
 - Technology & Safety
 - FY 2020 Finance Training
 - External Links
- School Law Training Manual February 2020 revision
Alabama Educator Code of Ethics
Alabama Legislative Code
Alabama's Mandatory Child Abuse Reporting Law
Alabama Open Meetings Training Manual
Constitution of Alabama (1901)
Court Report, Alabama Association of School Boards
Education & the Law, Alabama Association of School Boards
Play By The Rules (Alabama Laws for Youth)
Sunshine Law Training (PowerPoint Presentation)
Students First Act of 2011, Act No. 2011-270 (May 26, 2011)
-

School Finance Training Manual

- Chapter 8 of the School Finance Training Manual includes information about the local ad valorem taxes for schools.
 - Appendix 8-9 **Authorizations for Local School Ad Valorem Taxes** has a summary of the general constitutional laws for school taxes.
 - Appendix 8-11 has example forms for approval of local ad valorem taxes.
-

State Board of Education

- The Board conducts investigations regarding the educational needs of Alabama and adopts rules for proper construction and sanitation for school buildings.
 - The State Superintendent of Education enforces the state education laws and state board rules.
-

State Board of Education

- The rules adopted by the Board as an Alabama Administrative Code Rule have the effect of state law.
 - School Facilities Chapter 290-2-2.
 - Apportionment of Funds Chapter 290-2-1.

Note: The Alabama Administrative Rules are on the Resources tab used to access the Code of Alabama. (Education rules are title 290.)

State Department of Education

- Administers rules and resolutions adopted by the State Board of Education for elementary and secondary education and the Office of Disability Determination.
 - Administers state laws and state funds appropriated for local school boards.
 - Administers federal education funds and other federal funds when the department functions as a conduit for federal funds.
-

Administrative Code Rules

- **School Facilities** administrative code rules include requirements for approval for new construction or renovation of school facilities on school sites approved by the State Superintendent; construction requirements; minimum requirements for a school to be an approved school site; and minimum acreage requirements for school sites of different grade levels.
-

Administrative Code Rules

- **Apportionment of Funds** administrative code rules include requirements for maintaining a supplemental inventory of equipment items that are not classified as fixed (capital) assets and to follow accounting and internal control procedures that comply with generally accepted accounting principles.
 - The **Apportionment of Public School Funds** administrative code rule explains the calculation method for allocating PSF-Capital Purchase Funds.
-

State-Owned School Land

- 16th Section Land and School Indemnity Land
 - State-owned unless a constitutional amendment is approved to transfer ownership to the local school board.
 - State School Land (Chapter 16-20-1)
 - Land deeded to the state for school purposes.
 - State approval required to sell, rent, lease, or transfer ownership of state-owned school property.
 - Disposition instructions are on the **School Architect** web page.
-

School Property

- Code of Alabama, 1975
 - Title 16-8-12 and 16-8-40 County Boards of Education.
 - Title 16-11-11 through 14 City Boards of Education.
 - The school board has ownership of school property that is not state-owned.

 - Other school property laws in Title 16 such as:
 - Annexation of school property.
 - City school board forms or dissolves.
-

Real Property Acquisition

- Formal appraisal required by Act No. 2014-133 (Section 9-15-100).
 - Property can be purchased for more than the appraised value. **(See AG Opinion 2021-012)**
 - Section 9-15-100 provides the disclosure requirements for the purchase of real property.
-

Disposal of School Property

- Property acquired with federal funds will adhere to disposal requirements in federal regulations.
 - All other property owned by the school board (except state-owned school lands) does not require a formal appraisal for disposition.
 - **School board must receive fair and adequate consideration, even if nonmonetary, in the sale or transfer of property owned by the school board.**
-

Disposal of School Property

- Board action to declare property as surplus property prior to disposition is recommended.
 - Determine fair value of property.
 - Auctions, including gov.deals, are a determination of fair value but are not required.
 - Document any other method used to determine fair value. (Could be negative if you have to pay for disposal.)
 - Advertisement for sale is **not** required.
-

Disposal of School Property

- Legal opinions about the disposal of property owned by the school board are found in Attorney General Opinions such as 2008-101 and 2013-008. These opinions also reference numerous related opinions.
 - Legal opinions about the disposal of personal property are difficult to locate but follow the same fair and adequate disposition guidance as those for real property.
-

Access to Other SDE Guidance

- The web page for LEA Fiscal Accountability can be accessed under Teachers & Administrators on the alabamaachieves.org web site.
 - Information includes:
 - ***Links to Approved Purchasing Cooperatives.***
 - ***Procurement for Federal Program Directors.***
 - ***Purchasing Card Guidelines for LEA Employees.***
-

Purchasing Cooperatives

- The State Examiners of Public Accounts approved the following national purchasing cooperatives for LEAs. School boards may utilize the bids awarded by these cooperatives for the purchases of goods or services, other than voice or data wireless communication services, through December 31, 2021.
 - Omnia Partners – www.omniapartners.com/publicsector (*U. S. Communities*)
 - Sourcewell – www.sourcewell-mn.gov (*NJPA Cooperative*)
 - NCPA Cooperative – www.ncpa.us/vendors
 - H-GAC Cooperatives – <https://www.hgacbuy.org>
 - E & I Cooperative Services – www.eandi.org/
 - TIPS – <http://www.tips-usa.com>
 - NPP – <https://nppgov.com>
 - Buyboard – <https://www.buyboard.com/national.aspx>
 - NASPO – <https://www.naspo.valuepoint.org>
-

Access to Other Guidance

- The Attorney General Opinions can be accessed from the **Alabama Directory** link on our web site.
 - The Examiners of Public Accounts can be accessed from the **Alabama Directory** link on our web site. They have a manual on competitive bid laws and public works laws that includes summaries of legal opinions.
 - Select their **Resources** tab, then **Publications and Other Information**.
-



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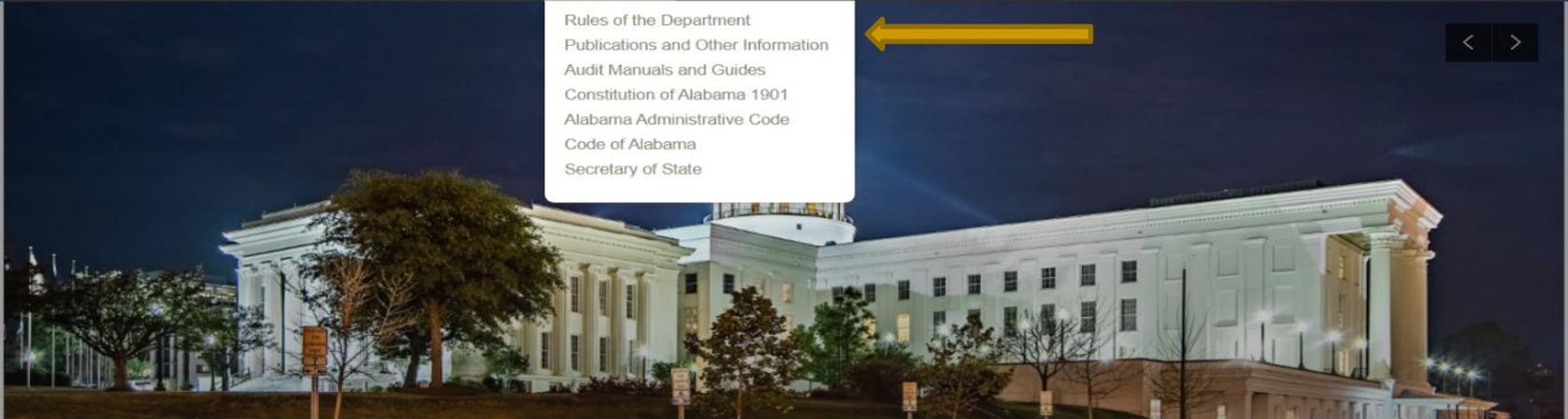




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- Rules of the Department
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- Audit Manuals and Guides
- Constitution of Alabama 1901
- Alabama Administrative Code
- Code of Alabama
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PUBLICATIONS AND OTHER INFORMATION

A selection of publications issued by the Department can be found listed below.

- [The Do's and Don'ts: A Handbook for Alabama Municipalities](#)
- [Alabama Competitive Bid and Public Works Law Manual 2020](#)
- [Vendor Disclosure Statement, State of Alabama](#)
- [Bond Financing Review Form](#)



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Alabama Competitive Bid and Public Works Law Manual

- This handbook is a guide to opinions about the primary state laws that apply to purchasing or leasing of personal property and services and the construction, repair, renovation, and maintenance services for real property by Alabama school boards.
 - Guidance related to the public works laws in Chapters 10, 11, and 12 are especially beneficial for school boards.
-

Access to Other Guidance (Continued)

- State Purchasing can be accessed from the **Alabama Directory** link on our web site. The “state bid list” includes state contracts that are usually available for local boards of education.
 - Furniture includes vendors for furniture and other school items.
 - A limited number of other contracts that would be available for school boards are listed.
-



State of Alabama Division of Purchasing



NEWS AND EVENTS

- Contract News
- End Of Year Schedule
- Purchasing Events
- Purchasing News



Project Information

STATEWIDE CONTRACTS

- Search Statewide Contracts



VENDOR RESOURCES

- Alabama Buys Supplier Portal
- Commodity Codes - Products and Services
- Commodity Codes - Professional Services
- Requests for Bid (RFB) Information
- STAARS Public Solicitations
- Vendor Resources

PROCUREMENT RESOURCES

- Attorney General Opinions
- Code of Administrative Procedure
- Code of Alabama
- Fiscal Procedures
- Sole Source Criteria
- Disclosure Statement

STATE AGENCY RESOURCES

- Manual Agency Purchase Request Form
- Manual Agency Requisition Instructions
- Priority Authorizations (PAR1)

LOCATION

Alabama Department of Finance
 Division of Purchasing
 RSA Union Building
 100 N Union Street, Suite 192
 Montgomery, Alabama 36104
 Ph (334) 242-7250

LINKS

- Alabama Correctional Industries
- Alabama Department of Finance
- Alabama Industries for the Blind
- NASPO



State of Alabama Division of Purchasing

Home Staff

ACTIVE STATEWIDE CONTRACTS

Contracts are updated frequently with changes. "Refresh" or "reload" your screen when viewing contracts in order to see "newest" version.

If a state agency or political subdivision elects to download a contract, or "Responses to Invitation to Bid", the Division of Purchasing will not be held liable for any changes in prices and/or alterations to the contract or the invitation to bid response except those made to the original document by the State of Alabama.



FURNITURE

To view the digital library of furniture manufacturers please click [here](#). This library contains binders for each manufacturer that was awarded the contract. The first binder titled "State of Alabama" includes Master Agreements (MA) for all manufacturers and assisting dealers separated by city. Please remember quotes must be obtained from the assisting dealer or manufacturer before processing for their Delivery Order (DO).

Should you need further assistance please contact Kerri Butler at kerri.butler@purchasing.alabama.gov or Ph (334) 353-0303.

SEARCH STATEWIDE CONTRACTS

Contracts may be searched using T-NBR number codes, by descriptive words or by viewing the Contract Table below. Within the Contract Table you may sort the columns in ascending/descending order by clicking on the column header.

Search:

Show entries

Description	T-NBR	Begin Date	End Date	Buyer Name	Vendor Websites
Aerial Truck Bodies	T911	08/03/2018	08/03/2021	Pat Hemme	No
Aggregate	MA	01/29/2020	01/28/2022	Crist Watts	No
Ammunition	MA	06/27/2018	06/26/2021	Sonya Bryan	No
Attenuators/Repair Parts	MA	10/01/2016	09/30/2021	Crist Watts	No
Auto Parts	T163	10/01/2016	07/21/2021	Pat Hemme	No



Questions?
