

School Business Operations I

ASBO Purchasing/ Procurement Training

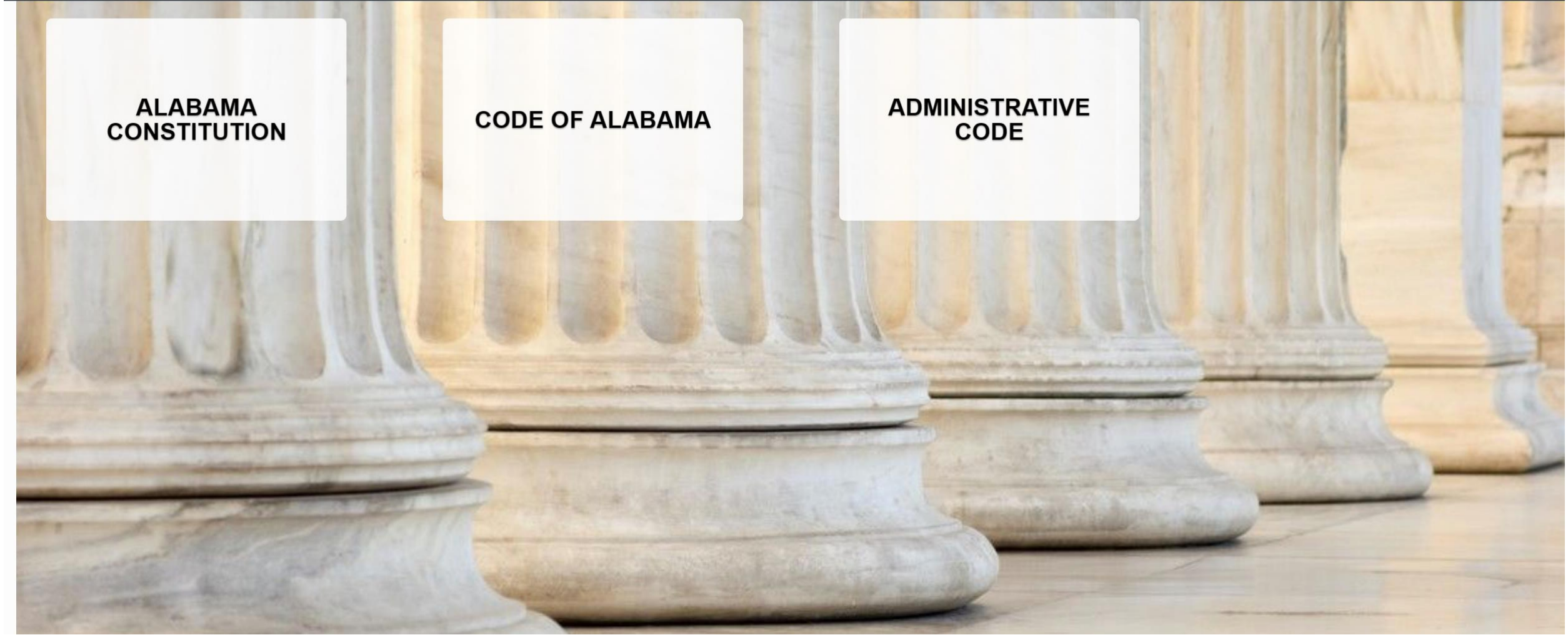
September 2023

David Smith AASBO

School Business Operations I

The laws of most states regulate the business operations of school systems

- Procurement - Laws usually require the procuring authority to issue public bids if the value of the procurement exceeds a certain threshold.
- Financial Reporting and/or Business Transactions
- Business transactions for federal funds could be more restrictive -Office of Management and Budget's Uniform Administrative Requirements, Cost Principles and Audit Requirements – Part 200.



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Accessing Alabama Laws

- [Alabama Legislature \(state.al.us\)](http://state.al.us)
- Alabama Department of Education web site – www.alabamaachieves.org
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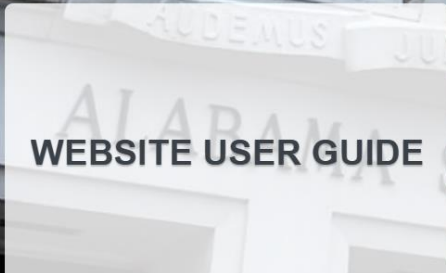
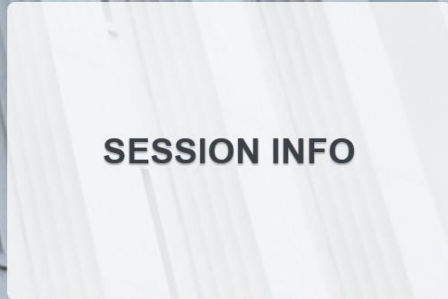
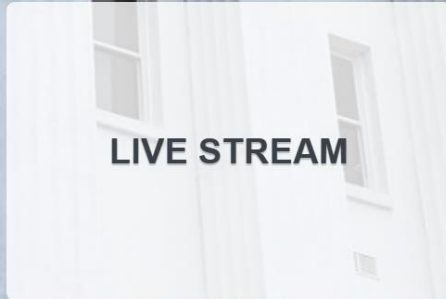
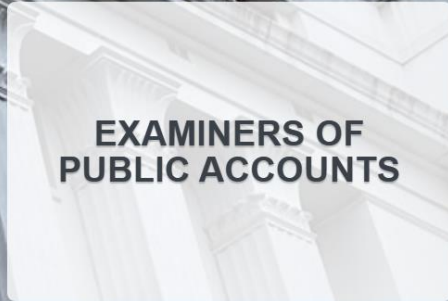
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- TITLE 20 FOOD, DRUGS AND COSMETICS. ▾
- TITLE 21 HANDICAPPED PERSONS. ▾

Code of Alabama

[Title 16- EDUCATION](#)

- [Chapter 13](#) SCHOOL FINANCES GENERALLY.
- [Chapter 13A](#) SCHOOL FISCAL ACCOUNTABILITY.
- [Chapter 13B](#) COMPETITIVE BIDDING FOR CERTAIN CONTRACTS OF COUNTY AND CITY BOARDS OF EDUCATION.

Title 39- PUBLIC WORKS LAW

Title 41 - Guaranteed Energy Cost Savings Contracts.

- TITLE 16 EDUCATION. ^
- CHAPTER 1 GENERAL PROVISIONS. v

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CHAPTER 14 ALABAMA PUBLIC SCHOOL CORPORATION.REPEALED. v



CHAPTER 13 SCHOOL FINANCES GENERALLY. ▾

CHAPTER 13A SCHOOL FISCAL ACCOUNTABILITY. ^

SECTION 16-13A-1 FISCAL MANAGEMENT POLICIES. ▾

SECTION 16-13A-2 FINANCIAL OVERSIGHT BY STATE SUPERINTENDENT OF EDUCATION; APPOINTMENT AND DUTIES OF CHIEF EDUCATION FINANCIAL OFFICER; INTERNAL AUDITS OF SCHOOLS AND SCHOOL SYSTEMS. ▾

SECTION 16-13A-3 FINANCIAL TRAINING OF LOCAL SUPERINTENDENTS OF EDUCATION. ▾

SECTION 16-13A-4 APPOINTMENT; REMOVAL OF CHIEF SCHOOL FINANCIAL OFFICER; QUALIFICATIONS. ▾

SECTION 16-13A-5 SUPERVISION, FIDUCIARY RESPONSIBILITY OF CHIEF SCHOOL FINANCIAL OFFICER; DUTIES. ▾

SECTION 16-13A-6 REQUIRED REPORTS. ▾

SECTION 16-13A-7 AUDITS. ▾

SECTION 16-13A-8 AUTHORITY TO EXPEND FUNDS. ▾

SECTION 16-13A-9 RESERVE FUNDS. ▾

SECTION 16-13A-10 PENALTIES FOR FAILING TO COMPLY WITH CHAPTER. ▾

SECTION 16-13A-11 LIABILITY. ▾

SECTION 16-13A-12 BONDING. ▾

SECTION 16-13A-13 PUBLICATION OF BUDGET AND FINANCIAL INFORMATION. ^

Budget and financial information used for public hearings on local district budgets shall be published on a form provided by the State Superintendent of Education. Such information shall contain financial information at both the school and school district levels.

(Act 2006-196, p. 275, §2.)

CHAPTER 13B COMPETITIVE BIDDING FOR CERTAIN CONTRACTS OF COUNTY AND CITY BOARDS OF EDUCATION. ▾

CHAPTER 14 ALABAMA PUBLIC SCHOOL CORPORATION.REPEALED. ▾

CHAPTER 15 ALABAMA EDUCATION AUTHORITY. ▾

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.

Code of Alabama

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Chief School Financial Officer	X	SEARCH	11 results
1	SECTION 11-2-4	Payment of premiums on bonds.	▼
1	SECTION 11-2-5	Reduction of bonds.	▼
1	SECTION 11-2-20	Requirement of additional bonds of county officials, etc. - Authority.	▼
8	SECTION 16-13A-4	Appointment; removal of CHIEF SCHOOL FINANCIAL OFFICER; qualifications.	▼
4	SECTION 16-13A-5	Supervision, fiduciary responsibility of CHIEF SCHOOL FINANCIAL OFFICER; duties.	▼
1	SECTION 16-13A-6	Required reports.	▼
1	SECTION 16-13A-7	Audits.	▼
1	SECTION 16-13A-12	Bonding.	▼
1	SECTION 16-16B-2.1	Wireless infrastructure and mobile digital computing devices; application for funds; implementation plan.	▼
2	SECTION 16-24C-3	Definitions.	▼
1	SECTION 16-24C-4	Tenure of teachers; nonprobationary status of classified employees.	▼

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**.

CHAPTER 13A SCHOOL FISCAL ACCOUNTABILITY. ▾

CHAPTER 13B COMPETITIVE BIDDING FOR CERTAIN CONTRACTS OF COUNTY AND CITY BOARDS OF EDUCATION. ^

- SECTION 16-13B-1 APPLICABILITY; LOCAL PREFERENCE ZONE; JOINT AGREEMENT; BID BOND. ▾
- SECTION 16-13B-2 EXCEPTIONS TO COMPETITIVE BIDDING REQUIREMENTS. ▾
- SECTION 16-13B-2 EXCEPTIONS TO COMPETITIVE BIDDING REQUIREMENTS. ▾
- SECTION 16-13B-2.1 PURPOSE OF GOODS OR SERVICES RELATED TO THE CHILD NUTRITION PROGRAM DURING CERTAIN EMERGENCIES OR UNANTICIPATED EVENTS. ▾
- SECTION 16-13B-3 EMERGENCY ACTION. ^

In case of emergency affecting public health, safety, or convenience, so declared in writing by the awarding authority, setting forth the nature of the danger to public health, safety, or convenience involved in delay, contracts may be let to the extent necessary to meet the emergency without public advertisement. Such action and the reasons therefor shall immediately be made public by the awarding authority.

(Act 2009-760, p. 2294, §1.) ←

- 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. ▾
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- SECTION 16-13B-11 ACTION TO ENJOIN EXECUTION OF CONTRACT. ▾
- CHAPTER 14 ALABAMA PUBLIC SCHOOL CORPORATION.REPEALED. ▾
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TITLE 16 EDUCATION. ^

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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.
-



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ACT NUMBER 2023 - 203	
Bill Number	H - 65
Session Type	Regular
Category	General
Authors	COLLINS
Subject: Who	BIDDING CONTRACTS
Subject: What	TO AMEND
Subject: Where	STATE OF AL
Description	To amend sections relating to competitive bidding on contracts of city and county boards of edu
Signed by Governor	No
Approved Date and Time	5-17-2023 0:00
Received Date and Time	5-17-2023 9:24 AM



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1 Enrolled, An Act,

2

3

4 To amend Sections 16-13B-1, 16-13B-4, and 16-13B-5,
5 Code of Alabama 1975, relating to competitive bidding on
6 contracts of city and county boards of education; to increase
7 the minimum amount for contracts subject to competitive bid
8 from \$15,000 to \$40,000; to provide a legislative process for
9 increasing the threshold dollar amount in the future based on
10 increases in the Consumer Price Index; and in connection
11 therewith would have as its purpose or effect the requirement
12 of a new or increased expenditure of local funds within the
13 meaning of Section 111.05 of the Constitution of Alabama of
14 2022.

15 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

16 Section 1. Sections 16-13B-1, 16-13B-4, and 16-13B-5 of
17 the Code of Alabama 1975, are amended to read as follows:

18 "§16-13B-1

19 (a) (1) This chapter shall apply to county boards of
20 education and city boards of education, or any combination of
21 city and county boards of education as herein provided for the
22 competitive bidding of certain contracts. With the exception
23 of contracts for public works whose competitive bidding
24 requirements are governed exclusively by Title 39, all
25 expenditure of funds of whatever nature for labor, services,
26 work, or for the purchase of materials, equipment, supplies,
27 or other personal property involving ~~fifteen thousand dollars~~



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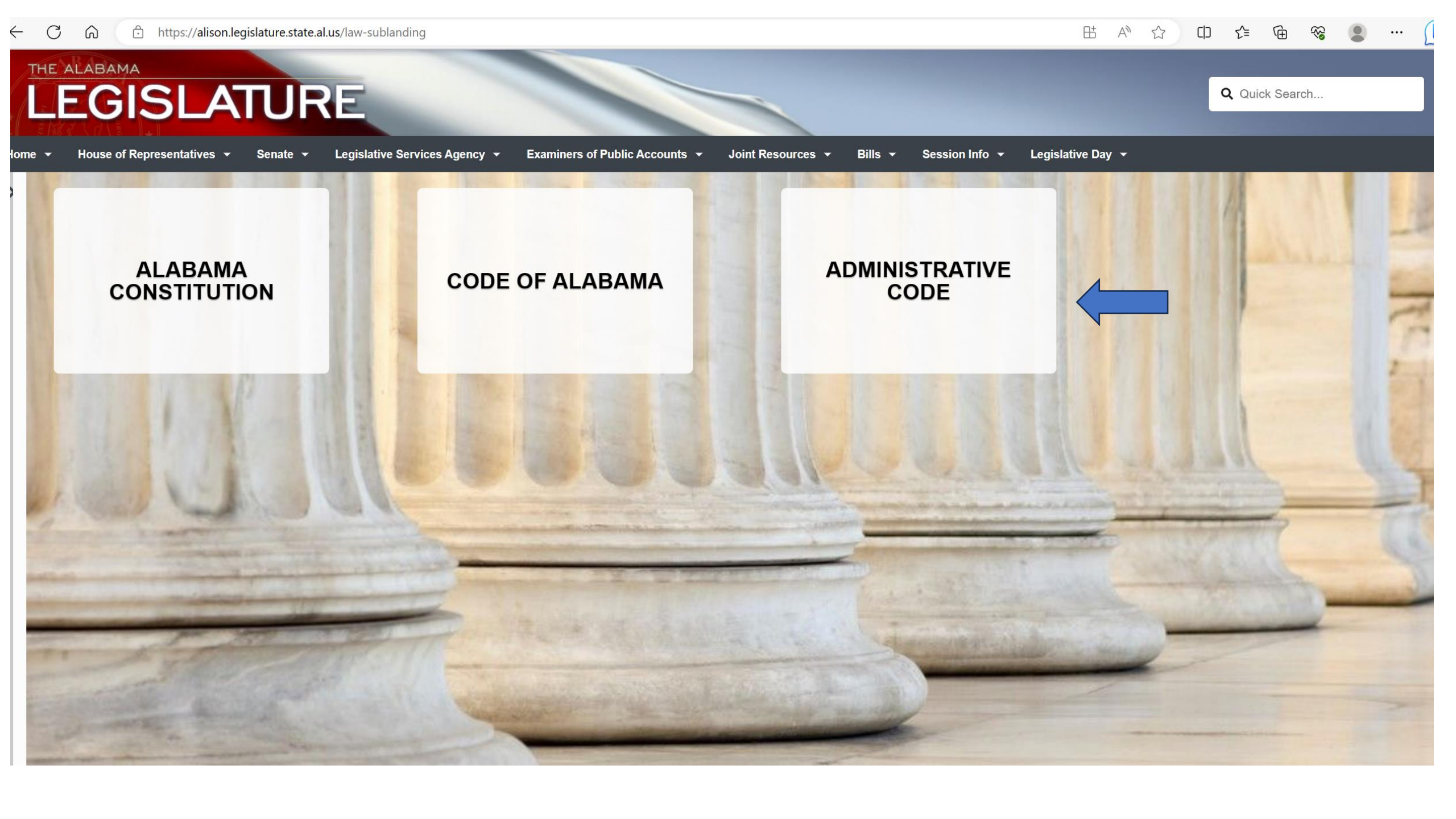


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State Board of Education

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

Alabama Administrative Code



- 230 - State of Alabama Licensing Board for General Contractors
 - 235 - Alabama Coroners Training Commission
 - 240 - Alabama Department of Corrections
 - 250 - Alabama Board of Cosmetology and Barbering
 - 255 - Alabama Board of Examiners in Counseling
 - 257 - Alabama Board of Court Reporters
 - 262 - Alabama Crime Victims Compensation Commission
 - 265 - Alabama Justice Information Center
 - 270 - Board of Dental Examiners of Alabama
 - 280 - Alabama Board of Dental Scholarship Awards
 - 281 - Alabama Department of Commerce, Formerly Alabama Development Office And Alabama Tourism Department/Alabama Film Office
 - 282 - Alabama Board of Examiners for Dietetics/Nutrition Practice
 - 287 - Drycleaning Environmental Response Trust Fund Advisory Board
 - 290 - Alabama State Board of Education
 - 300 - Alabama Commission on Higher Education
 - 303 - Alabama State Board of Electrical Contractors
 - 304 - Alabama Electronic Security Board of Licensure
 - 305 - Alabama Department of Economic and Community Affairs (Alabama Energy and Residential Codes Board)
 - 307 - State of Alabama the Alabama Electronic Voting Committee
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STATE BOARD OF EDUCATION

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ALABAMA STATE BOARD OF EDUCATION

ADMINISTRATIVE CODE

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State Board of Education Administrative Code

- [CHAPTER 290-1-4 PLANS BY LOCAL BOARDS OF EDUCATION](#)
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STATE BOARD OF EDUCATION
STATE DEPARTMENT OF EDUCATION
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CHAPTER 290-1-4
PLANS BY LOCAL BOARDS OF EDUCATION

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290-1-4-.01 Program Plans

290-1-4-.01 Program Plans. Local boards of education shall submit a comprehensive education plan to the State Superintendent pursuant to state and federal laws and regulations, and other requirements specified by the State Superintendent. The comprehensive education plan shall include the following:

- (1) Capital Improvement.
- (2) Transportation.
- (3) Professional Development.
- (4) Technology.
- (5) Special Education.
- (6) At-Risk.
- (7) Career/Technical Education.
- (8) Federal Education Programs.

(9) Other requirements to promote improved education opportunity and provide better schools.

Author: Jimmy H. Baker

Statutory Authority: Code of Ala. 1975, §16-13-231; 16-13-234.

History: New Rule: Filed September 19, 1997; October 24, 1997.

ALABAMA STATE BOARD OF EDUCATION
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290-2-2-.02	Construction Requirements For Public Schools
290-2-2-.03	Requirements For A School To Be Classified As An Approved Center
290-2-2-.04	School Site Requirements

290-2-2-.01 School Facilities: Approval Of Construction.

(1) New construction or renovation of school facilities, including maintenance or repair of HVAC or roofing, with an estimated cost of \$750,000 or more shall have the approval of the State Superintendent of Education.

(2) New construction shall take school only at place centers approved by the State Superintendent of Education.

Authors: Jimmy H. Baker, Eric G. Mackey

Statutory Authority: Code of Ala. 1975, §§16-3-12, 16-3-14, 16-4-10, 16-4-13 through 14, 16-4-21, 16-8-36, 16-9-22, 16-13-90.

History: New October 1, 1927. Amended December 29, 1975, September 12, 1978, April 22, 1981. Amended: December 12, 1991 section name effective January 16, 1992. **Repealed and Replaced:** Filed September 19, 1997; effective October 24, 1997. Amended: Published August 31, 2022; effective October 15, 2022.

290-2-2-.02 Construction Requirements For Public Schools.

(1) Alabama Building Commission laws, rules,



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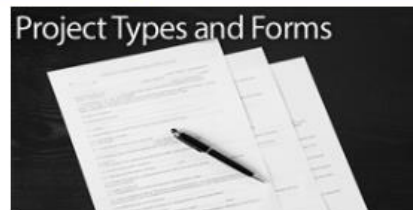
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Alabama Competitive Bid and Public Works Law Manual

- 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.

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January 2023



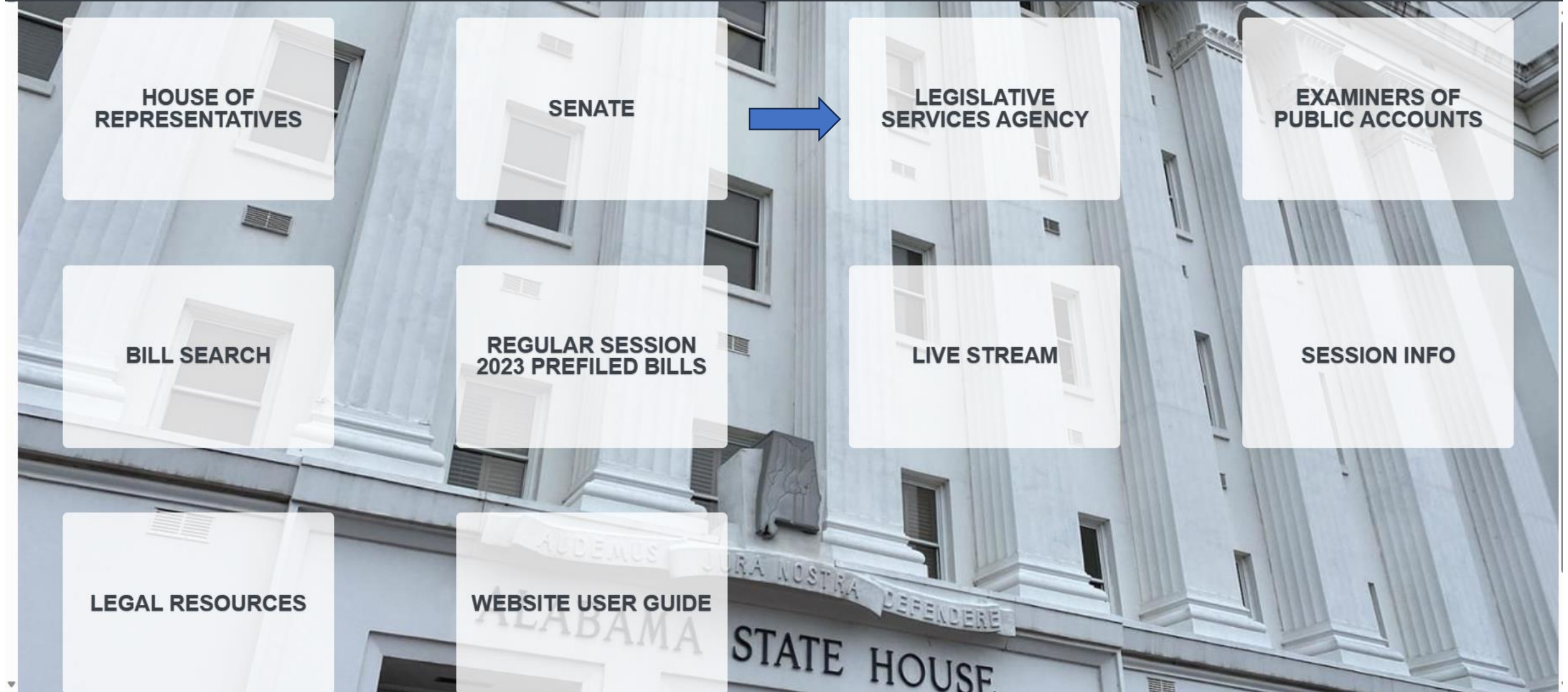
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The mission of the Legislative Services Agency is "to serve the State of Alabama by supporting the Legislature with expert, non-partisan fiscal analysis, legal advice, and bill drafting".

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The Fiscal Division exists for the purpose of providing independent, accurate and objective fiscal information to members of the Alabama House and Senate.

The Legislative Fiscal Office was established as a legislative agency by an act of the Legislature in 1975 and became the Fiscal Division of the Legislative Services Agency in 2017.





State of Alabama Division of Procurement

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Education

An important function of the Alabama Ethics Commission is conducting mandatory training of Public Officials, Public Employees and Lobbyists.

Public Officials

Members of the Alabama Legislature:

- Live Training once at the beginning of each Legislative Quadrennium

**State Constitutional Officers, Cabinet Members
And Executive Staff (as determined by Governor):**

- Live Training within 30 days after Governor is sworn into office

**Municipal Mayors, Council
Members/Commissioners and County
Commissioners:**

- Within 120 days of being sworn into Office Online or Live Training

Public Employees

- Public employees who have to file the Statement of Economic Interests form
- Within 90 days of hire date
- Online through Ethics website

Lobbyists

- Live Training provided 4 times Annually
- Training must be obtained within 90 days of registering
- See [Lobbyists & Principals](#) page for more information

Training Video

Please read before viewing the video:

The Online Ethics Training Video was created to train individuals one person at a time. The format of the video requires that the individual respond to questions periodically.

School Business Operations I

Questions

School Business Operations I

ASBO Purchasing/ Procurement Training

School Law

September 2023

David Smith

AASBO

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