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# AASBO Certificate Program

## School Law

February 2023

# AASBO Certificate Program School Law

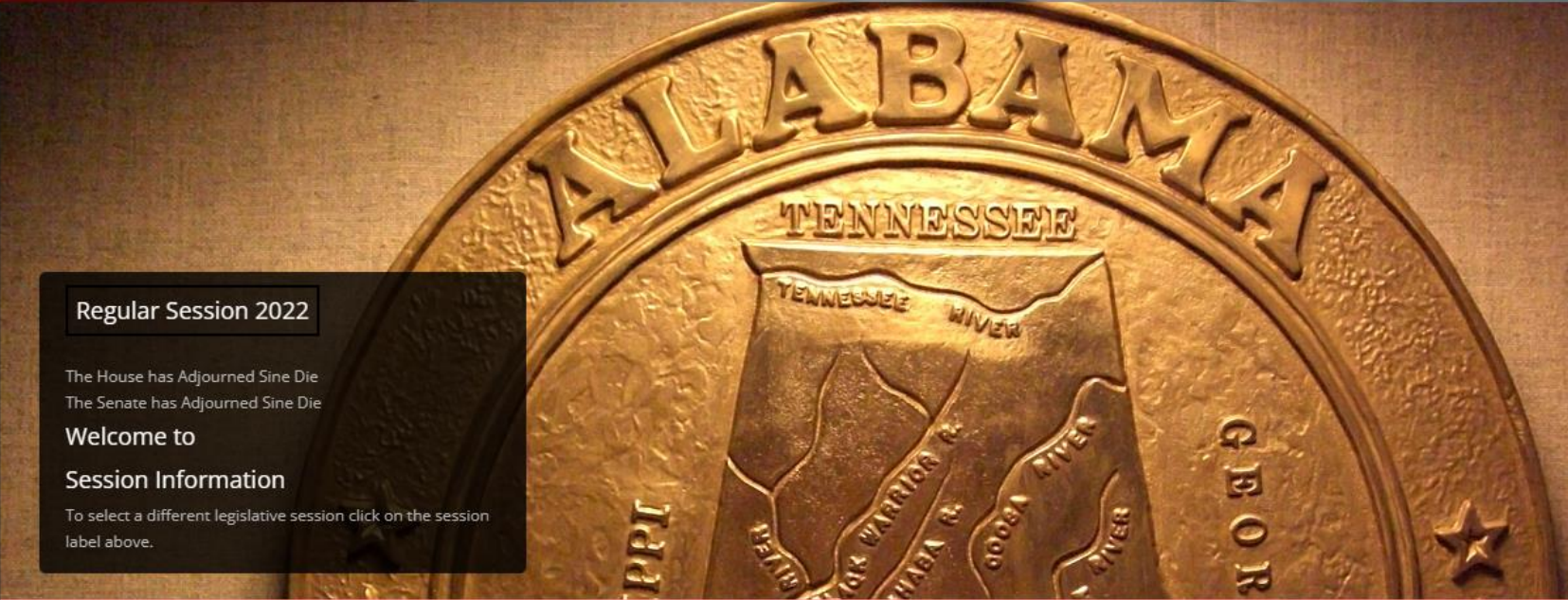
Disclaimer: The opinions expressed in the presentation are statements of the speaker's opinion, are intended only for informational purposes, and are not meant to be a legal interpretation of the law. The material included in this presentation is a general overview and is dated as of February 2023 and is subject to change. Official interpretation of particular questions or situations should be obtained through the board's legal counsel, the Alabama Department of Examiners of Public Accounts, or the Alabama State Department of Education.

# School Law

This session will provide an overview of state law as it applies to Local Education Agencies (LEAs). Course will provide a foundation of the laws that affect the school business operations of school districts.

## **Course Content:**

- A. Overview of the Code of Alabama 1975 – Laws Pertaining to Education in Title 16
- B. Board Organization and Operation
- C. Laws Affecting School Business Operations
- D. Ethics Law
- E. Alabama State Board Administrative Code



### Regular Session 2022

The House has Adjourned Sine Die  
The Senate has Adjourned Sine Die

### Welcome to

### Session Information

To select a different legislative session click on the session label above.

## Alabama Legislature

The Legislature convenes in regular annual sessions on the first Tuesday in February, except (1) in the first year of the four-year term, when the session will begin on the first Tuesday in March, and (2) in the last year of a four-year term, when the session will begin on the second Tuesday in January. The length of the regular session is limited to 30 meeting days within a period of 105 calendar days. There are usually two meeting or "legislative" days per week, with other days devoted to committee meetings. Special sessions of the Legislature may be called by the Governor, with the Proclamation listing the subjects which the Governor wishes considered. These sessions are limited to 12 legislative days within a 30 calendar day span. In a regular session, bills may be enacted on any subject. In a special session, legislation must be enacted only on those subjects which the Governor announces in his proclamation or "call." Anything not in the "call" requires a two-thirds vote of each house to be enacted.

House Special Order Calendar

Senate Special Order Calendar

Prefiled Bills

Legislative Process

Legislative Glossary



## Code of Alabama 1975

PLEASE NOTE: While every effort was made to ensure the accuracy and completeness of the unannotated Code of Alabama 1975, on Alison, the unannotated code is not official, and the state agencies preparing this website and the Alabama Legislature are not responsible for any errors or omissions which may be in the code on the website. Only the currently published volumes and cumulative supplements of the Code of Alabama 1975, as published by West Group as Code Publisher and adopted and incorporated into the Code of Alabama 1975 by Act 2016-303 contain the official version of the Code of Alabama 1975.

- [View Code of Alabama](#)
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# The Code of Alabama 1975

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## The Code of Alabama 1975



# The Code of Alabama 1975

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# School Finance Title 16, *Ala. Code* 1975

- [Chapter 13](#) SCHOOL FINANCES GENERALLY.
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*Ala. Code* 1975

## § 16-13, *Ala. Code* 1975 School Finances Generally

- Article 7 Budget System
- Article 11 Foundation Program Fund
- Article 14 Warrants for Educational Purposes

# Article 7 Budget System

## Section 16-13-140, Ala. Code 1975

### **Established for county and city school systems; form of annual budget required; public hearings required.**

- (a) There shall be a budget system for the public schools of each county and city for the purpose of promoting economy and efficiency in the finances of the public schools.
- (b) The State Department of Education shall prepare proposed annual budget forms for each local board of education and shall make the forms available to each local superintendent of education by August 1 of the first year of each legislative quadrennium and by July 1 of each subsequent year of each legislative quadrennium for use with public hearings. The forms shall be clear, uniform, and concise in order to promote understanding by the general public of the budget process.
- (c) Each local board of education shall hold at least two open public hearings pertaining to its proposed annual budget. Copies of the proposed budget shall be provided to the public at each hearing on forms provided by the State Department of Education. Each board shall seek input from the public concerning the proposed budget and the allocation of resources. Each hearing shall be held during a scheduled board meeting in a place and at a time convenient for the general public to attend. **The chair of each board shall publicize the date and time of each hearing in the local media in advance of the hearing. In addition, notice of each hearing shall be posted in a conspicuous place at the offices of the local board of education, the county courthouse, the main municipal building, and at each affected school. The proposed budget shall reflect the total amount of resources available to the board from all funding and revenue sources. The projected enrollment and the total proposed expenditure by each board and for each school shall be available at the public hearings. The proposed budget shall clearly delineate the number of teachers, librarians, counselors, administrators and other support personnel projected to be employed at each school. The proposed budget shall clearly list the operating costs by category or function at each school. The proposed budget shall delineate by school those operating resources earned, including, but not necessarily limited to, those items contained in the Instructional Support Program of the Foundation Program, designating the amount of funds earned at each school per item based on average daily membership.** After at least two public hearings have been held, the local board and superintendent shall cause a final budget to be developed consistent with the laws of this state, and shall make copies of the final budget available to the public upon request. Copies of the budget and other financial documents may be secured from the superintendent at a cost not to exceed the cost of production of the document.



# Budget System

## **Section 16-13-140**

(d) On or before October 1 of each year, each local board of education shall prepare and submit to the State Superintendent of Education the final annual budget adopted by the local board of education, which budget shall be prepared and submitted according to the classifications and items specified on forms provided therefor and in accordance with the regulations of the State Board of Education.

(e) No local board of education, or superintendent thereof, shall approve any budget for operation of the school for any fiscal year which shall show expenditures in excess of income estimated to be available by the various state and other officials, as required in Sections 16-13-141 and 16-13-142, plus any balances on hand, except under conditions set forth by the laws of the state governing the issuance of school warrants.

- ***(Acts 1939, No. 454, p. 610, §§1, 2; Code 1940, T. 52, §236; Acts 1953, No. 82, p. 126, §1; Acts 1997, No. 97-624, p. 1096, §1.)***

Section 16-13-145 Authority to borrow funds against revenues of current year; authority to contract with T.V.A. to obtain funds to improve energy-inefficient school buildings with approval of state superintendent.

***Ala. Code 1975***

## § 16-13, *Ala. Code* 1975 School Finances Generally

- Article 7 Budget System
- Article 11 Foundation Program Fund
- Article 14 Warrants for Educational Purposes

# A Guide to State Allocation Calculations 2022-2023

*Alabama State Department of Education*



# Chapter 13A SCHOOL FISCAL ACCOUNTABILITY

- [Section 16-13A-1](#) Fiscal management policies.
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# Section 16-13A-1 Fiscal Management Policies

A local board of education, to ensure the sound fiscal management of board finances, upon the recommendation of the local superintendent of education, shall adopt fiscal management policies which comply with generally accepted accounting principles, including, but not limited to, policies related to each of the following:

- (1) Regular reconciliation of bank statements.
- (2) Maintenance of fixed assets inventory.
- (3) Deposit of incoming funds.
- (4) Review of monthly revenues and expenditures.

***(Act 2006-196, p. 275, §2.)***

***Ala. Code 1975***

## Section 16-13A-4

# Appointment; removal of chief school financial officer; qualifications

- (a) In consultation with the local superintendent of education, the local board of education shall appoint a chief school financial officer who shall be an employee of the board.
- (b)(1) If the position of chief school financial officer is vacant for 30 days and the local board is not actively seeking to fill the position, the State Superintendent of Education may designate a chief school financial officer for a period of not more than one year, which may be extended from year to year, unless and until the local board appoints a person who meets the established qualifications. In addition, the State Superintendent of Education shall designate a chief school financial officer if the position has been vacant for more than 60 days.
- (2) A person designated as chief school financial officer by the State Superintendent of Education may not be unilaterally removed from that position by the local board of education pursuant to subsection (c) without the prior approval of the State Superintendent of Education but may be replaced after one year by a qualified person selected by the local board.
- (c) Except as specified in subdivision (2) of subsection (b), a local board of education, upon a majority vote of its members, shall have unilateral authority to remove the chief school financial officer.
- (d) A person designated as a chief school financial officer shall meet the minimum job qualifications established by the local board and the State Board of Education and shall possess or be eligible to possess certification required pursuant to regulations promulgated by the State Board of Education.

**(Act 2006-196, p. 275, §2.)**

*Ala. Code 1975*



## Section 16-24C-4, *Ala. Code* 1975

### Tenure of teachers; nonprobationary status of classified employees

(3) All of the following additional terms, conditions, and limitations apply to the attainment and retention of tenure or nonprobationary status

b. Neither tenure nor nonprobationary status may be attained as a chief executive officer, a chief school financial officer, as a president or vice president of a two-year educational institution operated under the authority and control of the Department of Postsecondary Education, or in or by virtue of employment in temporary, part-time, substitute, summer school, occasional, seasonal, supplemental, irregular, or like forms of employment, or in positions that are created to serve experimental, pilot, temporary, or like special programs, projects, or purposes, the funding and duration of which are finite.

## Section 16-13A-5, *Ala. Code* 1975

### Supervision, fiduciary responsibility of chief school financial officer; duties.

- (a) The chief school financial officer shall work under the direct supervision of the local superintendent of education but shall have a fiduciary responsibility to the local board of education.
- (b) The chief school financial officer shall perform each of the following duties:
  - (1) Verify the receipt of all funds to which the local board of education may be entitled by law, or which may come into its possession for public school purposes.
  - (2) Verify the payment of such funds, such payments to occur only on written order of the local superintendent of education.
  - (3) Keep an accurate record of all receipts and expenditures and provide such information to the local superintendent and the local board.
  - (4) Make reports as may be required by law, by the local board of education, or by rules and regulations of the State Board of Education.**
  - (5) Personally notify, in writing, each board member and the local superintendent of education of any financial transaction of the local board of education which the chief school financial officer deems to be non-routine, unusual, without legal authorization, or not in compliance with the fiscal management policies of the board. The notification shall be recorded in the minutes of the board by the president of the local board of education.
  - (6) Be bonded in an amount determined by the State Board of Education.

*(Act 2006-196, p. 275, §2.*

## Section 16-13A-6, *Ala. Code* 1975

### Required reports.

(a) The State Board of Education shall by regulation provide for various financial and other information which local superintendents of education shall have prepared for the local boards of education, including, but not limited to, the following:

- (1) A monthly financial statement showing the financial status of the local board of education accounts with itemized categories specified by the State Board of Education.
- (2) A monthly report showing all receipts and the sources thereof.
- (3) A monthly report showing all expenditures with itemized categories specified by the State Board of Education.
- (4) An annual projected budget.
- (5) Monthly and/or quarterly reports showing expenditures relative to such projected budget.
- (6) A yearly report of the fixed assets inventory of the local board of education with itemized categories specified by the State Board of Education.

*Ala. Code* 1975



## § 16-13A-6 Required reports.

(7) Financial and other information necessary to participate in national statistical studies on education.

(b) The financial information required in subsection (a), as well as any other financial information which the State Board of Education shall require, shall be submitted in writing and/or electronically to the Chief Education Financial Officer by the 15<sup>th</sup> day of the month following its presentation to the local board of education.

(c) All local boards of education shall be required to implement a standardized financial accounting program as determined by the State Department of Education to collect the information required by this chapter and to provide for ease of input by local boards of education and ease of monitoring by a local board of education, its chief school financial officer, and the State Department of Education. If a local school system's financial report is found to be in conflict with generally accepted accounting principles, the State Department of Education shall issue a notice to that school system informing it of such and request that proof of correction of conflict be forwarded to the State Department of Education and approved by the State Superintendent of Education within a reasonable time thereafter.

(d) All financial documents, in whatever source maintained, are public documents, and shall be open to inspection and accessible to the public. An annual budget and monthly financial statements with supporting spread sheets as submitted to the State Department of Education shall be made available to the general public at the local school system Internet site.

***(Act 2006-196, p. 275, §2.)***

## § 16-13A-7 Audits, *Ala. Code* 1975

**(a)(1) The yearly business and financial transactions of a local board of education shall be audited as early as possible after the end of the fiscal year.**

(2) The audits of the books and accounts of local boards of education shall be conducted by the Department of Examiners of Public Accounts. The Department of Examiners of Public Accounts shall audit, review, and otherwise investigate the receipts and disbursements of funds of each local board in the same manner as audits are performed on other agencies and departments of the State of Alabama.

(3) Any local board of education governing a city school system, other than those city systems required by law to be audited by the Department of Examiners of Public Accounts on June 1, 2006, may employ a certified public accounting firm or firms or use the Department of Examiners of Public Accounts to perform its yearly financial audit of its books and accounts including a legal compliance audit and program compliance audit. The foregoing to the contrary notwithstanding, a city system which has had any financial form of intervention by the State Superintendent of Education shall be audited by the Department of Examiners of Public Accounts, or if any such intervention should become necessary at any future date, such city system shall be audited for three future years by the Department of Examiners of Public Accounts. The Department of Examiners of Public Accounts or the certified public accounting firm or firms shall perform a yearly legal compliance audit in accordance with Chapter 5 of Title 41, and if the compliance audit results in adverse findings by the Department of Examiners of Public Accounts or the certified public accounting firm or firms, the adverse findings shall be reported to the State Superintendent of Education. If the adverse findings involve misappropriation or theft, such findings shall also be reported to the appropriate district attorney and the Attorney General.

# §16-13A-7 Audits

(b) Legal compliance audits and program compliance audits performed by a private certified public accounting firm shall adhere to the standards of the Department of Examiners of Public Accounts for each respective type of audit. The Department of Examiners of Public Accounts shall provide these standards to the private certified public accounting firms. Any adverse findings shall be noted in the audit report and reported to the State Superintendent of Education. Such adverse findings shall, upon request, be provided to any member of the public.

(c) A local board of education may request an audit of system funds under control of the same local board by the Department of Examiners of Public Accounts whenever there is a permanent change in the position of local superintendent of education or chief school financial officer. *Ala. Code 1975*

(d) A local board of education by majority vote may unilaterally request an audit of any school or school system account under control of the same local board by the Department of Examiners of Public Accounts, if the board deems such action is in the best interest of the school system.

(e) The findings of audits conducted pursuant to this section shall be presented to the local board of education in a board meeting. The State Superintendent of Education shall be sent a copy of the audit to review and shall be notified of the time, place, and location of the meeting at which the findings will be presented to the local board of education. Audits are public records.

- *(Act 2006-196, p. 275, §2.)*

*Ala. Code 1975*

# Section 16-13A-9 Reserve funds

(a) A local board of education shall develop a plan to establish and maintain a minimum reserve fund equal to one month's operating expenses. Also, a local board of education shall develop a plan to replenish its reserve fund after any withdrawal is made pursuant to subsection (b).

(b) Local boards of education are authorized to expend such reserve funds if either of the following occur:

(1) The Governor declares proration in the Education Trust Fund.

(2) Total state funds appropriated by the Legislature to the local boards of education are less than the same appropriation for the preceding fiscal year.

***(Act 2006-196, p. 275, §2; Act 2009-747, p. 2266, §1.)***

***Ala. Code 1975***

## 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.***

*Ala. Code* 1975



## Section 16-8-37 Annual report published

The county board of education shall publish annually in the month of October in the county newspaper at the county seat of each county a full and complete statement of the receipts by source and disbursements by function of the county for the 12 months' period ending September 30 in such form as is required by the State Superintendent of Education at the same time it forwards said statement to the State Superintendent of Education. The county board of education shall also publish annually in the county newspaper at the county seat of each county in the month of October, a statement of the outstanding indebtedness of the board of education on September 30, which statement must show the schedule by years for retiring said indebtedness and shall separate funded indebtedness from unfunded indebtedness, and the statement shall show the resources available to pay such unfunded indebtedness. The county board of education may also cause to be prepared and published annually in sufficient quantities for distribution among the citizens of the county a report covering the condition, current accomplishments and needs for the improvement of the schools. The refusal or negligent failure of any member of the county board of education to comply with the provisions of this section shall constitute a misdemeanor, and the State Superintendent of Education shall withhold the payment of public school funds until the provisions of this section have been complied with.

***(School Code 1927, §123; Code 1940, T. 52, §92; Acts 1943, No. 313, p. 300; Acts 1953, No. 130, p. 178, §1.)***

***Ala. Code 1975***

## Section 16-11-24 Annual report published

The city board of education shall publish annually in the month of October in a newspaper published in said city, if there is a newspaper published in said city, a full and complete statement of the receipts by source and disbursements by function of the city for the 12 months' period ending September 30, in such form as is required by the State Superintendent of Education at the same time it forwards said statement to the State Superintendent of Education. The city board of education shall also publish annually in a newspaper published in said city, if there is a newspaper published in said city, in the month of October, a statement of the outstanding indebtedness of the board of education on last September 30, which statement must show the schedule by years for retiring said indebtedness and shall separate funded indebtedness from unfunded indebtedness, and the statement shall show the resources available to pay such unfunded indebtedness. The city board of education may also cause to be prepared and published annually in sufficient quantities for distribution among the citizens of the county a report covering the condition, current accomplishments and needs for the improvement of the schools. The refusal or negligent failure of any member of the city board of education to comply with the provisions of this section shall constitute a misdemeanor, and the State Superintendent of Education shall withhold the payment of public school funds until the provisions of this section have been complied with.

***(School Code 1927, §216; Code 1940, T. 52, §174; Acts 1943, No. 313, p. 300; Acts 1953, No. 129, p. 177, §1***

***Ala. Code 1975***

# Chapter 13B, *Ala. Code* 1975

## 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-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

## Section 16-13B-1

### Applicability; local preference zone; joint agreement; bid bond

- (a) This chapter shall apply to county boards of education and city boards of education, or any combination of city and county boards of education as herein provided for the competitive bidding of certain contracts. With the exception of contracts for public works whose competitive bidding requirements are governed exclusively by Title 39, all expenditure of funds of whatever nature for labor, services, work, or for the purchase of materials, equipment, supplies, or other personal property involving fifteen thousand dollars (\$15,000) or more, and the lease of materials, equipment, supplies, or other personal property where the lessee is, or becomes legally and contractually, bound under the terms of the lease, to pay a total amount of fifteen thousand dollars (\$15,000) or more, made by or on behalf of any city or county board of education, except as hereinafter provided, shall be made under contractual agreement entered into by free and open competitive bidding, on sealed bids, to the lowest responsible bidder.

*Ala. Code 1975*

# Title 39 PUBLIC WORKS

## Section 39-1-5 *Ala. Code* 1975

### **Applicability.**

Notwithstanding any other laws to the contrary, this title shall control all public works contracts on the state, county, and municipal levels of government in the State of Alabama.

- ***(Acts 1997, No. 97-225, p. 348, §3; Act 2018-413, §1.***

# Title 39 PUBLIC WORKS

## **Section 39-2-2**

**Advertisement for and opening of sealed bids for public works contracts; violations; exclusions; emergency actions; sole source specification.**

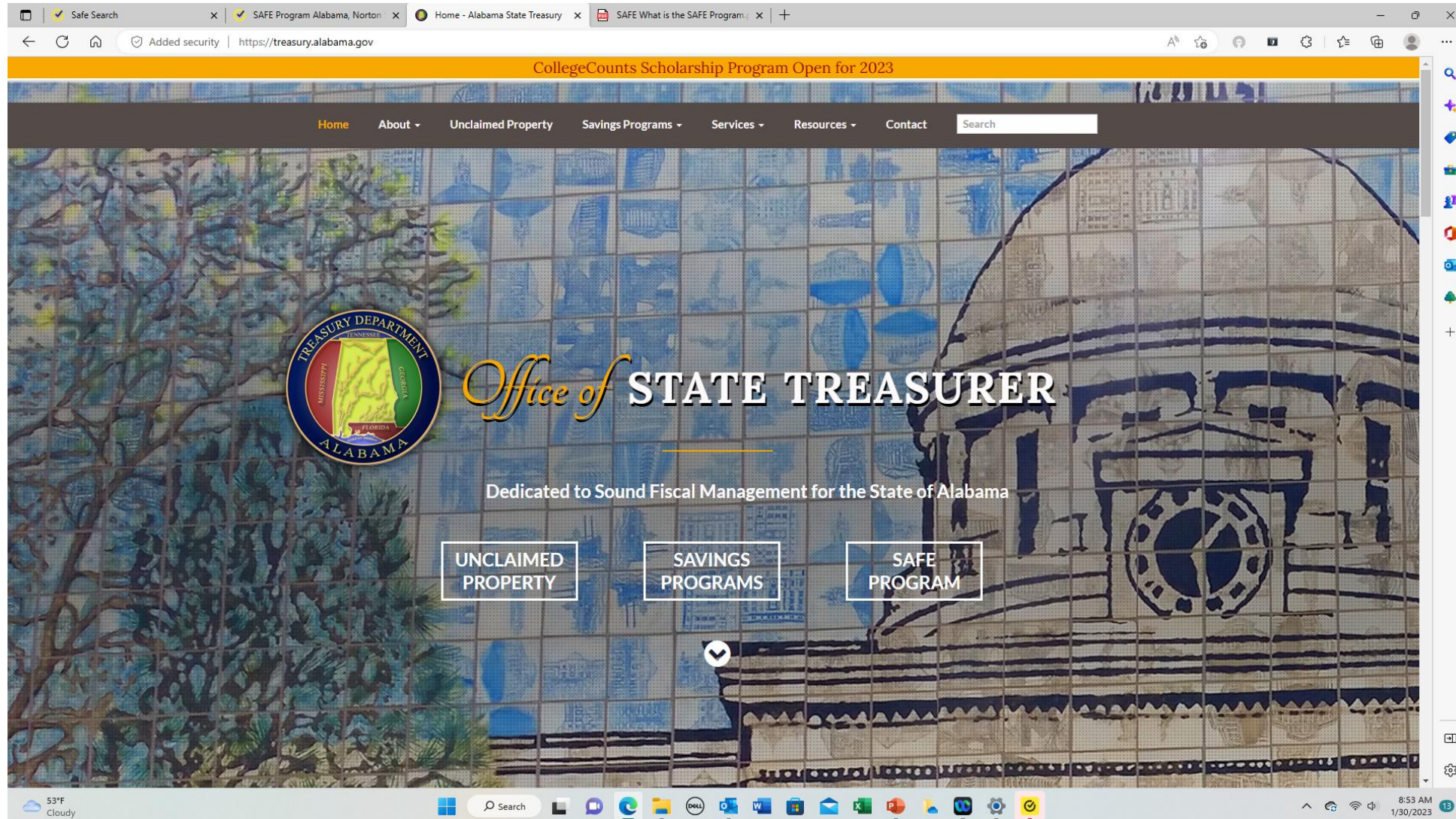
(a)(1) Before entering into any contract for a public works involving an amount in excess of fifty thousand dollars (\$50,000), the awarding authority shall advertise for sealed bids, except as provided in subsection (j).

*Ala. Code* 1975



# Title 41- Chapter 14A, *Ala. Code* 1975

## Security for Public Deposits



# School Law

This session will provide an overview of state law as it applies to Local Education Agencies (LEAs). Course will provide a foundation of the laws that affect the school business operations of school districts.

## **Course Content:**

- A. Overview of the Code of Alabama 1975 – Laws Pertaining to Education in Title 16
- B. Board Organization and Operation
- C. Laws Affecting School Business Operations
- D. Ethics Law
- E. Alabama State Board Administrative Code



# AASBO Certificate Program

## School Law

February 2023