



Inside the 2011 Alabama Legislature

As predicted, the 2011 Alabama legislative session proved to be eventful at best and at times contentious. The state budget crisis, carried over from years past, and the new Republican majority took up bills on what proved to be controversial issues including abortion, immigration, economic development, redistricting and health care. Teacher tenure reform also stole the show mid-session with lawmakers ultimately passing the Students First Act of 2011. Good, bad or indifferent, with regard to volume, the Alabama legislature passed a modest amount of legislation during the 2011 session.

Numerous issues arose which threatened the well-being of our children. Most notably in 2011, as in years past, the funding crunch had child advocates deeply concerned and actively working for budget allocations for programs and services for children and families. Lawmakers were certainly faced with many tough budget decisions, but where children were concerned the cuts were relatively minimal. Programs impacting children and families funded in both state budgets fared well in comparison to some services and state agencies.

The Alabama Reading Initiative and the Alabama Math, Science, and Technology Initiative saw funding cuts in next year's Education Trust Fund ranging from roughly \$630,000 to \$850,000 for each program. The state's First Class pre-k program was effectively level funded. Child advocates should see this as a "win." The Department of Child Abuse and Neglect was cut slightly in the education budget; however, Child Advocacy Centers were reinstated in the budget to the tune of \$669,000. Both the Department of Human Resources and the Department of Mental Health were protected to some extent in the ETF, with the latter

receiving roughly \$140,000 in cuts. The state's highly touted children's health insurance program, ALL Kids, was zeroed out of the general fund budget this year and placed in the Education Trust Fund at the governor's recommended level of funding of nearly \$30 million. The final education budget passed by the legislature and signed by the governor totaled \$5.6 billion, an increase of \$240.7 million, or 4.5 percent, over FY 2011.

Even with an increase of roughly 11 percent over the 2011 fiscal year, the \$1.8 billion General Fund Budget required many state agencies to significantly cut programs. Despite small cuts in funding from the education budget, the Department of Child Abuse and Neglect Prevention took a pretty big hit in the General Fund losing nearly 75 percent of its funding for next year. The Department of Public Health and the Medicaid Agency both received cuts in funding, with Medicaid receiving \$60 million less than its original request to maintain existing programs. Funding to the Children First Trust Fund, which provides funding to twelve state agencies for prevention services, was protected.

In other legislative matters, lawmakers closed the year once again without passing legislation to make it unlawful for a day care provider or person for hire to leave a child unattended; ban smoking in indoor public places and workspaces; prohibit texting while driving; and legislation to authorize charter schools in the state. The Alabama Legislature did, however, pass a measure to provide for investigating suspected cases of sudden unexplained infant deaths and creation of the Alabama Sudden Unexplained Infant Death Investigation Team to oversee such activities as well as a bill creating Individual Development Accounts which will help people with modest means save and build assets.

BILL BOARD 2011

EDUCATION

SB 310 (Pittman) - Passed

To establish the Students First Act of 2011 dealing with rights and obligations regarding employment actions affecting or involving certain employees of city and county boards of education. The bill would give local school boards authority to change the process for a teacher or school employee to contest a dismissal. This bill is a first step in tenure reform.

HB 459 (Williams, P.) - Failed

To establish the Alabama Charter School Pilot Program Act of 2011. This bill would provide for the creation and operation of independent public charter schools in the state through existing public school systems by providing a mechanism for local boards of education to authorize the establishment of charter schools.

HB 6 (Merrill) - Failed

To decrease the minimum age of children required to attend public school from seven to six years of age.

SB 51 (Brewbaker) - Failed

To decrease the minimum number of school instructional days from 180 to 175 for the 2012-13 and 2013-14 school years.

CHILD SAFETY

HB 261 (Hurst) - Passed

To provide that defendants convicted of certain sex offenses, for example a criminal sex offense involving a child, be sentenced to life imprisonment without the possibility of parole.

HB 108 (Johnson, R.) - Passed

To provide for the adoption of policies for the management of concussion and head injury in youth sports, and mandate athletic head injury safety training. The governing body of each sport or recreational organization shall develop guidelines and other pertinent information and forms to inform and educate youth athletes and their parents or guardians in their program of the nature and risk of concussion and brain injury.

HB 387 (Treadaway) - Failed

Under existing law, the Department of Human Resources conducts criminal history background checks of current licensees for those who provide care or have responsibility for the safety or well-being of children, the elderly, or individuals with disabilities. This bill would make clarifying changes to the laws governing these criminal history background checks, and would provide for permissive referrals for prosecution, for termination of employment, or for denial of approval as a foster or adoptive parent as a result of inadvertently providing false information on an application regarding an applicant's criminal history.

HB 102 (McClendon) - Failed

To prohibit any person from operating a motor vehicle on a public street, road, or highway while also text messaging on a handheld cell phone or other handheld wireless telecommunication device. The bill would also provide penalties for violations.

CHILD WELFARE

SB 97 (Figures) - Failed

To make it unlawful for a day care provider or person for hire to leave a child under 12 years of age in a motor vehicle unless supervised by a person 14 years of age or older.

SB 427 (Figures) - Passed

To provide for investigating suspected cases of sudden unexplained infant death (SUID). The law establishes the Alabama Sudden Unexplained Infant Death Investigation Team to coordinate county officials, law enforcement and medical or emergency personnel in investigating suspected cases of SUID.

ECONOMIC SECURITY

SB 295 (Dunn) - Passed

To establish the Individual Development Account Program in the Department of Human Resources. The bill authorizes certain persons with low incomes to enter into agreements forming matching savings accounts in order to help save toward the purchase of a lifelong asset, such as a home.

SB 242 (Knight) - Failed

To exempt state sales tax on food and over-the-counter drugs and limit the state income tax deduction for federal income taxes for individual taxpayers.

JUVENILE JUSTICE

SB 307 (Whatley) - Failed

Under existing law, in all dependency and termination of parental rights proceedings, a juvenile court must appoint a guardian ad litem for a child to protect the best interests of the child. This bill would authorize a juvenile court to appoint a court appointed special advocate (CASA) in a juvenile proceeding in addition to a guardian ad litem.

CHILD HEALTH

SB 372/HB 149 (Figures/McClurkin) - Failed

To repeal the Alabama Clean Indoor Air Act and establish the Alabama Smoke-free Air Act of 2011 that would prohibit smoking in places of employment, public places, and private clubs.

NOTES ON THE BILL BOARD:

VOICES for Alabama's Children is a non-partisan, independent voice for Alabama's children and youth. Each year, VOICES follows legislation concerning children and during the session VOICES actively advocates for positive legislation and budget appropriations for children. VOICES also works to prevent bills with negative consequences for children from being enacted.

Many of the bills are complex, and many foster divergent positions among child advocates both in and out of the legislature. Readers are encouraged to contact their Senator or House member to increase their understanding of a particular bill.

Not all child/family related bills taken up by the Alabama Legislature are included in this report.

Victories & DEFEATS

 *Appeared on VOICES 2011 Children's Legislative Agenda*

EARLY CARE AND EDUCATION.....

Pre-K

Research shows that children who attend high-quality pre-kindergarten programs perform better in school and throughout life. In the area of providing quality pre-k, the state of Alabama continues to lead the nation. Access to the program, however is limited with only seven percent of Alabama's four-year-olds participating in the state funded pre-k program. In the 2011 session, funding for the Alabama Office of School Readiness (OSR) which oversees the pre-k program tallied roughly \$18 million, similar to that in the previous year. Considering that just six short years ago the allocation to OSR was \$4.3 million, child advocates can certainly be pleased with the strides made in educating our children early. Currently there are well over 200 pre-k sites delivering quality education opportunities to the state's children.

CHILD SAFETY.....

Smoke-free Air

Children are especially vulnerable to secondhand smoke and other environmental pollutants which is why it is of concern that in over a decade of trying, members of the Alabama Legislature once again failed to pass legislation banning smoking in all public indoor places. A study published in the American Academy of Pediatrics journal, *Pediatrics*, shows that each year, second-hand smoke exposure is linked to up to 2 million ear infections in children, nearly 530,000 doctor visits for asthma, up to 436,000 episodes of bronchitis in children under five years of age, and up to 190,000 cases of pneumonia in children under five years of age. HB 149, sponsored by Rep. Mary Sue McClurkin (R-Pelham) was carried over to the call of the Chair in the House Health Committee. While the Senate version, SB 372, sponsored by Sen. Vivian Figures (D-Mobile) was ultimately voted out of committee with amendments, never received floor time in the Senate.

Ban Texting While Driving

Distracted driving remains a growing safety concern, both nationally and statewide. As a nation we certainly do not condone driving under the influence of alcohol, yet we still make it legal to text and drive which is an equally, if not more, dangerous form of distracted driving. In the 2011 session, Alabama lawmakers were afforded yet another opportunity to pass a ban on texting while operating a motor vehicle and again failed to give final passage. HB 102, sponsored by Rep. Jim McClendon (R-Springville), would have banned texting while driving and the use of handheld GPS devices while operating a motor vehicle. The bill passed the House of Representatives, but was denied a vote in the Senate.

EDUCATION.....

Mandatory School Attendance Age

Alabama lawmakers took up a bill during the 2011 session, HB 6 sponsored by Rep. John Merrill (R-Tuscaloosa), to lower the mandatory age for attending school in Alabama from 7 to 6. Opposition to the bill offered amendments allowing parents to seek waivers from their local school boards if they opted to keep their children out of school until age 7. The measure passed the House of Representatives, but failed to get a vote in the Senate.

Legislation to Watch in 2012

Protection of Pre-K Funding

Alabama Budgets

Smoke-free Alabama

Ban on Texting While Driving

Lower Mandatory School Age

Charter Schools Bill

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Mission Statement

*To ensure the well-being of
Alabama's children through
research, public awareness and advocacy.*

*The following are programs of
VOICES for Alabama's Children:*

Advocacy Training

*Alabama Kids Count
Data Book & Report*

Alabama Kids Count Conference

*Children's Issues Public
Awareness Campaigns*

Children's Legislative Agenda

Children's Legislative Report

Community Meetings of Child Advocates

Issues Research

Legislative Advocacy



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