

1 HB382
2 128251-1
3 By Representative Morrow
4 RFD: Education Policy
5 First Read: 31-MAR-11

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8 SYNOPSIS: Existing law does not provide for an entity
9 to study and make recommendations concerning all
10 facets of education from kindergarten through
11 graduate education.

12 This bill would establish the Commission on
13 Public Education Assessment, Organization, and
14 Allocation and the Advisory Board on Public
15 Education Assessment, Organization, and Allocation
16 to study and make recommendations for improving
17 public education structure, governance, and
18 funding.

19
20 A BILL
21 TO BE ENTITLED
22 AN ACT
23

24 To establish the Commission on Public Education
25 Assessment, Organization, and Allocation and the Advisory
26 Board on Public Education Assessment, Organization, and
27 Allocation; to provide for the membership and duties of the

1 commission; and to provide for the reporting of
2 recommendations for public education structure, governance,
3 and funding.

4 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

5 Section 1. The Commission on Public Education
6 Assessment, Organization, and Allocation is established. The
7 commission shall be composed of the following members:

8 (1) The State Superintendent of Education, or his or
9 her designee.

10 (2) A representative of public two-year institutions
11 of higher education, elected by the presidents of those
12 institutions pursuant to an election conducted by the
13 Chancellor of Postsecondary Education.

14 (3) A representative of public four-year
15 institutions of higher education, elected by the Council of
16 University Presidents.

17 (4) A representative of historically black public
18 universities in the state, elected by the presidents of those
19 institutions pursuant to an election conducted by the
20 Executive Director of the Alabama Commission on Higher
21 Education.

22 (5) The Executive Director of the Alabama Commission
23 on Higher Education, or his or her designee.

24 (6) The Executive Director of the Alabama
25 Association of School Boards, or his or her designee.

26 (7) The President of the Alabama Education
27 Association, or his or her designee.

1 (8) A representative of public research universities
2 in the state, elected by the presidents of those universities
3 pursuant to an election conducted by the Executive Director of
4 the Alabama Commission on Higher Education.

5 (9) A representative of individual Alabama
6 taxpayers, appointed by the Governor.

7 (10) Two representatives of corporate interests in
8 the state, one appointed by the Lieutenant Governor and one
9 appointed by the President Pro Tempore of the Senate.

10 (11) A representative of local governmental units,
11 including counties and municipalities, appointed by the
12 Speaker of the House of Representatives.

13 (12) The Executive Director of the Public Affairs
14 Research Council of Alabama.

15 (13) A representative of Alabama parents, appointed
16 by the Alabama Parent Teachers Association.

17 (14) A local superintendent of education, appointed
18 by the State Board of Education.

19 (15) A two-year college vocational-technical
20 instructor, appointed by the Postsecondary Division of the
21 Alabama Education Association.

22 (16) Four additional members, one appointed each by
23 the Chair of the House Ways and Means Education Committee, the
24 Chair of the House Education Policy Committee, the Chair of
25 the Senate Finance and Taxation Education Committee, and the
26 Chair of the Senate Education Committee.

27 (17) The Chair of the Higher Education Partnership.

1 (18) The Chair of the Alabama Council of University
2 Faculty Senate Presidents.

3 (19) The president of a historically black public
4 two-year college elected by the presidents of those colleges.

5 (20) The President of the Alabama College System
6 Presidents' Association.

7 (21) A representative selected by the President of
8 the Alabama Institute for Deaf and Blind.

9 Section 2. (a) It is the intent of the Legislature
10 that the members of the commission be appointed in such a
11 manner that the composition of the commission be inclusive and
12 reflect the racial, gender, geographic, urban/rural, and
13 economic diversity of the state.

14 (b) The commission shall initially convene upon the
15 call of the State Superintendent of Education or upon the
16 request of four members of the commission. The first meeting
17 of the commission shall be held within 60 days after the
18 effective date of this act. At the first meeting of the
19 commission, the commission shall elect a chair and a vice
20 chair from among the membership of the commission and may
21 adopt rules of procedure. A majority of the commission shall
22 be a quorum.

23 (c) Members of the commission shall serve without
24 compensation. Each member of the Legislature serving on the
25 committee shall continue to be entitled to his or her regular
26 legislative compensation, his or her per diem, and travel
27 expenses for each day he or she attends a meeting of the

1 committee. Upon requisitions signed by the chair of the
2 committee, these payments shall be paid out of any funds
3 appropriated to the use of the Legislature by means of
4 warrants drawn on the State Treasury. Notwithstanding the
5 foregoing, no member shall receive additional legislative
6 compensation or per diem when the Legislature is in session or
7 if a member is being paid any other payments on the same dates
8 for attendance on other state business. Staff assistance,
9 office space and equipment, and other necessary assistance
10 shall be provided by the State Superintendent of Education.
11 The State Department of Education shall serve as fiscal agent
12 for the commission. The State Department of Education, the
13 Department of Postsecondary Education, the Alabama Commission
14 on Higher Education, and each public institution of higher
15 education, upon request, shall provide information and
16 assistance to the commission.

17 Section 3. The commission shall have all of the
18 following duties and powers:

19 (1) To formulate a process to contract for the
20 employment of the Advisory Board on Education Assessment,
21 Organization, and Allocation, subject to the requirements
22 specified in this act and limited to no more than seven
23 members. If necessary, the State Superintendent of Education
24 may enter such contracts on behalf of the commission.
25 Subsequent to the initial selection by the commission of the
26 members of the advisory board, the commission may recommend to
27 the Legislature that additional members be authorized.

1 (2) To determine the cost of employing the advisory
2 board and other costs necessary for the advisory board to
3 fulfill its duties and to prepare a proposed budget detailing
4 such amounts.

5 (3) To submit the proposed budget to the presiding
6 officer of each house and the Chair of the House of
7 Representatives Ways and Means Education Committee and the
8 Chair of the Senate Committee on Finance and Taxation
9 Education, or the chairs of any successors to these
10 committees, by the 20th legislative day of the 2012 Regular
11 Session.

12 (4) Within 30 days after the appropriation of funds
13 for the advisory board, or upon obtaining funding from any
14 other source, to implement the process to employ persons to
15 serve on the advisory board.

16 (5) To monitor the work of the advisory board and
17 ensure that the board is fulfilling its obligations according
18 to the intent of this act.

19 (6) Pursuant to contractual requirements, to dismiss
20 members of the advisory board for failure to satisfy the
21 obligations of advisory board members and to suspend payment
22 of any compensation of such members.

23 (7) To formulate, adopt, and implement necessary
24 policies to satisfy the requirements of this act. The
25 commission may provide for separate subcommittees to address
26 the different aspects of K-12 and higher education. Each
27 subcommittee shall submit its own report.

1 Section 4. (a) The Advisory Board on Public
2 Education Assessment, Organization, and Allocation is
3 established. The board shall be composed of individuals or
4 entities employed by the Commission on Public Education
5 Assessment, Organization, and Allocation, as provided in this
6 act. Members of the advisory board shall possess broad
7 knowledge concerning all facets and levels of public
8 education, with particular expertise regarding the assessment
9 of educational programs, the organization and structuring of a
10 statewide public education system, and the allocation of
11 available financial resources to the various components of a
12 statewide public education system.

13 (b) Membership of the advisory board shall be
14 inclusive and reflect the racial, gender, geographic,
15 urban/rural, and economic diversity of the state.

16 (c) Members of the advisory board may not be
17 residents of or be employed within the state. Members of the
18 advisory board may not be graduates of any Alabama institution
19 of higher education. Members of the advisory board may not be
20 related to any elected official in Alabama by blood or
21 marriage. Members of the advisory board may not have engaged
22 in any direct partisan political activity, including the
23 making of campaign contributions, involving any state or local
24 elected or appointed public official. The chair of the
25 commission shall convene the first meeting of the advisory
26 board within 30 days after the employment of members and shall

1 direct the advisory board as to its responsibilities as
2 provided in this act.

3 (d) Staff assistance, office space and equipment,
4 and other necessary assistance for the advisory board shall be
5 provided by the State Superintendent of Education. The State
6 Department of Education shall serve as fiscal agent for the
7 advisory board. The State Department of Education, the
8 Department of Postsecondary Education, the Alabama Commission
9 on Higher Education, and each public institution of higher
10 education in the state, upon request, shall provide
11 information and assistance to the advisory board.

12 (e) The advisory board shall perform an in-depth
13 evaluation of all levels of public education within the state,
14 from kindergarten through higher education. At a minimum, the
15 evaluation shall address each of the following issues as
16 applicable to all levels of public education:

17 (1) The public education entities necessary to
18 sufficiently serve the K-12 and higher education needs of the
19 citizens of the state.

20 (2) The most advantageous location of these public
21 education entities.

22 (3) Whether these entities should be governed by a
23 board of regents, elected or appointed boards of education,
24 elected or appointed superintendents of education, or
25 otherwise.

26 (4) The process to be used in setting funding
27 priorities in order to reach the highest level of academic

1 achievement possible within the resources available to the
2 state.

3 (5) The considerations to be given to retention of
4 faculty, competitiveness of salaries, availability of
5 teachers, instructors, and administrators where a shortage
6 exists, and adequacy of classrooms, laboratories, technology,
7 and classroom materials and supplies.

8 (6) The level of funding necessary to implement the
9 standards established by the Legislature in 1995, and
10 implemented by the State Board of Education, and any
11 recommendations of the advisory board.

12 (7) The actions that should be implemented to ensure
13 the best utilization of available educational resources.

14 (f) In addressing the issues identified in
15 subsection (e), the advisory board shall give special
16 consideration to the diversity of education, training, and job
17 needs of urban and rural regions of the state.

18 (g) The advisory board shall compile a report
19 detailing its responses to these questions and other relevant
20 findings and recommendations including any proposed
21 legislation. The Legislative Reference Service shall provide
22 assistance to the advisory board in drafting the legislation.
23 The report shall be submitted to the commission, to the
24 presiding officer of each house, the Chair of the House
25 Education Appropriations Committee, the Chair of the Senate
26 Committee on Finance and Taxation Education, the Chair of the
27 Senate Education Policy Committee, the Chair of the House

1 Education Policy Committee, other interested members of the
2 Legislature, the members of the State Board of Education, the
3 presidents of the institutions of higher education in the
4 state, and the Governor. The report shall also be made
5 available to the general public. An initial or preliminary
6 report and suggested legislation shall be submitted on or
7 before December 1, 2012. The final report of the advisory
8 board shall be submitted on or before October 1, 2013,
9 whereupon the advisory board shall stand dissolved.

10 Section 5. Upon receipt of the report of the
11 advisory board, the commission may modify the recommendations
12 and shall draft appropriate legislation to implement the
13 recommendations. The Legislative Reference Service shall
14 provide assistance to the commission in drafting and modifying
15 the legislation. On or before December 1, 2012, the commission
16 shall submit the report and any proposed legislation to the
17 Governor, the Lieutenant Governor, and the members of the
18 Legislature. The commission shall stand dissolved upon making
19 its final report to the Governor and the Legislature.

20 Section 6. This act shall become effective
21 immediately following its passage and approval by the
22 Governor, or its otherwise becoming law.