

1 HB584
2 183473-1
3 By Representative Ball
4 RFD: Education Policy
5 First Read: 02-MAY-17

2
3
4
5
6
7
8 SYNOPSIS: This bill would require, commencing on
9 August 1, 2018, all candidates for the position of
10 county or city superintendent of education to have
11 at least five years of full-time public school
12 instructional experience before taking office.

13 This bill would require, commencing on
14 August 1, 2020, all applicants for a certificate
15 issued by the State Superintendent of Education to
16 serve as a local superintendent of education or a
17 principal, to also be certified to teach a core
18 subject matter in the public schools of the state.

19 This bill would prohibit, commencing on
20 August 1, 2020, any contract between a local board
21 of education and a principal to be executed unless
22 the person has at least five years of full-time
23 public school instructional experience at the time
24 the contract is executed.

25 This bill would also require, commencing on
26 August 1, 2020, every person employed as a local
27 superintendent of education or a principal to serve

1 as a classroom teacher for one core subject course
2 each semester, excluding summer semesters, during
3 the academic school year.

4
5 A BILL
6 TO BE ENTITLED
7 AN ACT

8
9 To amend Sections 16-9-2, 16-12-2, 16-23-1, and
10 16-24B-3, Code of Alabama 1975, relating to public K-12
11 education; commencing on August 1, 2018, to require all
12 candidates for the position of county or city superintendent
13 of education to have at least five years of full-time public
14 school instructional experience before taking office;
15 commencing on August 1, 2020, to require all applicants for a
16 certificate to serve as a local superintendent of education or
17 a principal to also be certified to teach a core subject
18 matter in the public schools of the state; commencing on
19 August 1, 2020, to prohibit any contract between a local board
20 of education and a principal to be executed unless the person
21 has at least five years of full-time instructional experience
22 in the public schools at the time the contract is executed;
23 and commencing on August 1, 2020, to require every local
24 superintendent of education or principal to serve as a
25 classroom teacher during the academic school year.
26 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1 Section 1. Sections 16-9-2, 16-12-2, 16-23-1, and
2 16-24B-3 of the Code of Alabama 1975, are amended to read as
3 follows:

4 "§16-9-2.

5 "(a) The county superintendent of education shall be
6 chosen for his or her general fitness and character and shall
7 be a person of recognized ability as a school administrator.
8 No person shall be eligible for appointment by any county
9 board of education or for any political party nomination, or
10 for election to the office of county superintendent of
11 education unless ~~such person~~ he or she satisfies all of the
12 following:

13 "(1) Holds an Alabama certificate in administration
14 and supervision based upon requirements established by the
15 State Board of Education for ~~such~~ the certificate~~.~~.

16 "(2) Has had not less than five years of experience
17 in public school work at the time he or she assumes office~~.~~.
18 Commencing on August 1, 2018, this requirement shall be for
19 not less than five years of full-time public school
20 instructional experience at the time of assuming office.

21 "(3) Submits proof to the State Superintendent of
22 Education of three years of successful educational experience
23 as a teacher, principal, supervisor, superintendent,
24 educational administrator or instructor in school
25 administration during the five years next preceding his or her
26 appointment or election~~.~~.

1 "(4) Submits proof to the county board of education
2 that he or she holds a degree from a recognized four-year
3 college or university, ~~and.~~

4 "(5) If such person is to be appointed by the county
5 board of education, submits proof to the county board that he
6 or she is knowledgeable in school administration.

7 "(b) A county superintendent of education, whether
8 elected or appointed, need not be a resident or qualified
9 elector of the county in which he or she is to serve. In every
10 county where the county superintendent of education is elected
11 by popular vote, he or she shall be nominated and elected in
12 the same manner as other county officers are nominated and
13 elected under the state election laws.

14 "§16-12-2.

15 "The superintendent of city schools shall be chosen
16 for his or her general fitness and character, but shall not be
17 eligible for appointment unless he or she shall offer proof to
18 the board that he or she holds a degree from a recognized
19 four-year college or university and is knowledgeable in school
20 administration. In addition, commencing on August 1, 2018, a
21 city superintendent of education shall have no less than five
22 years of full-time public school instructional experience at
23 the time of appointment. A city superintendent of education
24 ~~Such person~~ need not be a resident or qualified elector of the
25 city or county in which he or she offers to serve.

26 "§16-23-1.

1 "No person shall be employed in the public schools
2 of the state as county superintendent of education, city
3 superintendent of schools, assistant superintendent,
4 supervisor, principal, teacher, or attendance officer unless
5 ~~such person~~ he or she shall hold a certificate issued by the
6 State Superintendent of Education. Commencing on August 1,
7 2020, applicants for a certificate to serve as a local
8 superintendent of education or a principal shall also be
9 certified by the State Superintendent of Education to teach a
10 core subject matter in the public schools of the state.

11 "§16-24B-3.

12 "(a) (1) Any other provision of law to the contrary
13 notwithstanding, persons employed as principals in the public
14 schools in Alabama on or after July 1, 2000, may, at the
15 election of the employing board and upon the recommendation of
16 the chief executive officer, be employed as probationary
17 principals for up to one full contract year; provided,
18 however, that if such person is being employed as a principal
19 for the first time, such probationary period may be for up to
20 two full contract years. After completion of such probationary
21 period, the same employing board, upon the recommendation of
22 the chief executive officer, shall either offer the
23 probationary principal not less than a three-year contract
24 pursuant to this section or terminate the probationary
25 principal for any reason, or without a stated reason, as the
26 case may be. In the case of a probationary principal who is
27 terminated prior to the end of the school year, the

1 probationary principal shall be entitled to the hearing
2 process as described in this section. Any contract principal
3 hired on or after July 1, 2000, to work in the capacity of a
4 contract principal in a public school in the state shall be
5 properly certified and shall be employed pursuant to a written
6 contract for an initial period of not less than three years.
7 The initial contract of not less than three years may only be
8 canceled for cause as described in subdivision (1) of
9 subsection (e). If the contract is cancelled for cause related
10 to failure to perform duties in a satisfactory manner, as
11 evidenced by an unsatisfactory evaluation, the chief executive
12 officer and the employing board shall be subject to the review
13 provisions described in subsection (j).

14 "(2) Commencing on August 1, 2020, for public
15 schools with a majority of the student population grade seven
16 and above, no contract may be executed between an employing
17 board and a probationary principal or contract principal
18 unless the person has at least five years of full-time
19 instructional experience in a core subject matter in the
20 public schools of the state at the time the contract is
21 executed. Commencing on August 1, 2020, for public schools
22 with a majority of the student population below grade seven,
23 no contract may be executed between an employing board and a
24 probationary principal or contract principal unless the person
25 has at least five years of full-time instructional experience
26 in any subject matter in the public schools of the state at
27 the time the contract is executed.

1 "(b) Subject to the procedures described in
2 subsection (c), in the case of a contract principal after the
3 probationary term of the contract, the contract shall be
4 renewed for a period not less than three years, and shall
5 contain a provision for cancellation during the term of the
6 contract only for just cause, described in subdivision (1) of
7 subsection (e).

8 "(c) Notwithstanding whether the contract is the
9 initial contract or otherwise, should the chief executive
10 officer make a recommendation to the employing board followed
11 by a majority vote of the board not to offer a new, renewed,
12 or extended contract to the contract principal, the vote of
13 the employing board shall be made at least 90 days before the
14 end of the existing contract. The recommendation shall contain
15 written notice of the decision of the chief executive officer
16 and the reasons for the decision to nonrenew the contract.
17 Notice shall be provided to the contract principal either by
18 personal service or by certified mail, return receipt
19 requested, mailed to the last known address of the contract
20 principal. The decision of the chief executive officer and the
21 employing board may be based on any reason except personal or
22 political reasons.

23 "(d) Nothing in this section or chapter shall be
24 construed to confer continuing service status or
25 nonprobationary status on any contract or probationary
26 principal.

1 "(e) (1) An employing board may cancel the contract
2 of a contract principal for cause at any time for any of the
3 following reasons:

4 "a. Immorality.

5 "b. Insubordination.

6 "c. Neglect of duty.

7 "d. Conviction of a felony or a crime involving
8 moral turpitude.

9 "e. Failure to fulfill the duties and
10 responsibilities imposed upon principals by this code.

11 "f. Willful failure to comply with board policy.

12 "g. A justifiable decrease in the number of
13 positions due to decreased enrollment or decreased funding.

14 "h. Failure to maintain his or her certificate in a
15 current status.

16 "i. Other good and just cause.

17 "j. Incompetency.

18 "k. Failure to perform duties in a satisfactory
19 manner.

20 "(2) Within five days of the action of the employing
21 board of canceling or nonrenewing the contract of the contract
22 principal, the employing board shall provide written notice
23 pursuant to subsection (c) to the contract principal with a
24 statement of the reasons upon which such action was taken.

25 "a. Within 10 days of the date of receipt of notice
26 provided to a contract principal informing him or her of an
27 action by the employing board to nonrenew the principal's

1 contract at the end of its current term, the contract
2 principal, by filing written notice with the chief executive
3 officer, may request a nonjury, expedited evidentiary hearing
4 to demonstrate that the chief executive officer's or
5 supervisor's recommendation to nonrenew the contract was
6 impermissibly based upon a personal or political reason, or
7 the recommendation was approved based upon personal or
8 political reasons of the chief executive officer, supervisor,
9 or the employing board, which shall be the sole issues at any
10 such hearing. The contract principal shall bear the burden of
11 proof by a preponderance of the evidence. The hearing shall be
12 before the circuit court in the judicial circuit of the county
13 in which the employing board sits. The expedited evidentiary
14 hearing shall be binding on all parties. Promptly after
15 delivering a written request for such a hearing, the contract
16 principal or his or her designee shall file with the
17 appropriate circuit court a request for an expedited hearing
18 and shall provide a copy of the request to the chief executive
19 officer.

20 "b. In the case of a contract principal who is
21 recommended for cancellation for cause pursuant to subdivision
22 (1) of this subsection, within 10 days of the date of receipt
23 by the contract principal of the notice informing him or her
24 of an action by the employing board to cancel the principal's
25 contract for cause as provided in subdivision (1) of this
26 subsection, the principal may, by filing written notice with
27 the chief executive officer, request a nonjury, expedited

1 evidentiary hearing before the circuit court in the county in
2 which the employing board sits. The chief executive officer
3 shall provide notice to the circuit court promptly after
4 receiving such notice, that the employing board requests the
5 non-jury, expedited evidentiary hearing. At the hearing the
6 employing board shall bear the burden to prove, by a
7 preponderance of the evidence, that the cancellation is solely
8 for cause pursuant to subdivision (1) of this subsection.

9 "(3) All contract principals shall be entitled to an
10 expedited evidentiary hearing process, which shall occur
11 within 45 days of the chief executive officer's or the
12 contract principal's request, as the case may be, for an
13 expedited hearing pursuant to subdivision (3) of this
14 subsection. If the circuit court determines that it is not
15 able to complete the expedited evidentiary hearing within the
16 45-day period, the court shall refer the parties to a mediator
17 to conduct the expedited evidentiary hearing within 45 days of
18 the chief executive officer's or the contract principal's
19 request for the expedited hearing. The written decision of the
20 mediator shall be binding on the parties.

21 "(4) The contract principal may request
22 reinstatement at the expedited evidentiary hearing. If such an
23 action is initiated by the contract principal, as allowed
24 herein, the pay and benefits of the contract principal shall
25 be discontinued only upon a final order denying reinstatement
26 by the circuit court or the mediator.

1 "(f) (1) Failure to file a timely request for an
2 expedited evidentiary hearing, unless excused by the court or
3 the mediator, shall result in a waiver of the right to appeal
4 the decision of the employing board. No further action is
5 necessary by the employing board.

6 "(2) At the end of the term of the probationary
7 contract, or any subsequent contract, absent a written
8 recommendation by the chief executive officer for cancellation
9 or nonrenewal and an acceptance of that recommendation by a
10 majority vote of the employing board, the employing board
11 shall enter into a new contract with the contract principal
12 for a period of not less than three years.

13 "(g) The decision of the circuit court or mediator
14 shall be final and exclusively appealable to the Alabama Court
15 of Civil Appeals, as a nonevidentiary appeal in which review
16 is limited to the record from the expedited evidentiary
17 hearing as provided for in this chapter.

18 "(h) (1) Any principal hired before July 1, 2000, who
19 has not obtained continuing service status with an employing
20 board under prior law and any principal who attained
21 continuing service status under prior law before July 1, 2000,
22 may voluntarily and irrevocably relinquish his or her
23 continuing service status as a principal and elect to be
24 employed by contract.

25 "(2) The relinquishment of continuing service status
26 and election to serve under contract shall be made in writing
27 to the employing board at least 30 days before the start of

1 the immediately succeeding scholastic year to be effective in
2 that scholastic year, and thereafter.

3 "(i) (1) The chief executive officer, or his or her
4 designee, shall at least annually evaluate the performance of
5 each contract principal. The evaluation shall be performed in
6 a manner prescribed by the State Board of Education.

7 "(2) The employing board, upon the written
8 recommendation of the chief executive officer, may at any time
9 enter into a new contract of not less than three years with
10 the contract principal. In the event of an unsatisfactory but
11 remediable performance on the evaluation as prescribed by the
12 State Board of Education, a conference shall be held with the
13 contract principal and a specific plan of professional
14 development shall be presented by the chief executive officer,
15 which specifies the area or areas of unsatisfactory
16 performance and recommends a plan to correct the
17 unsatisfactory performance. The contract principal shall
18 complete the specific plan of professional development prior
19 to the next evaluation. In the event of an evaluation
20 indicating unsatisfactory performance as prescribed by the
21 State Board of Education, the chief executive officer shall
22 either recommend to the local board of education cancellation
23 of the contract for cause as outlined in subsection (e) (1) of
24 this section or a conference shall be held with the contract
25 principal and a specific plan of professional development
26 shall be presented by the chief executive officer, which
27 specifies the area of unsatisfactory performance and

1 recommends a plan to correct the unsatisfactory performance.
2 The contract principal shall complete the specific plan of
3 professional development prior to the next evaluation.

4 "(j) (1) Within 15 days after an unsatisfactory
5 evaluation as prescribed by the State Board of Education and
6 upon receipt of a recommendation by the chief executive
7 officer for cancellation of the contract for cause as outlined
8 in subsection (e) (1), a contract principal may request, in
9 writing to the chief executive officer, a review of the
10 evaluation.

11 "(2) The review of the evaluation shall be conducted
12 by an independent third party evaluator who shall determine
13 whether sufficient cause exists for the unsatisfactory finding
14 and be chosen in the following manner:

15 "a. Within five days of the request for a review of
16 the evaluation, the chief executive officer or designee shall
17 request a list of five persons who are certified to evaluate
18 contract principals from the State Department of Education.

19 "b. From the list described in paragraph a., the
20 chief executive officer and the contract principal shall each
21 strike two names.

22 "c. The State Superintendent of Education shall
23 designate an evaluator from the name or names remaining.

24 "(3) The review of the evaluation shall be completed
25 within 30 days after the request for a review of the
26 evaluation is received by the chief executive officer.

1 "(4)a. If the result of the review of the evaluation
2 overturns the unsatisfactory evaluation, then the contract of
3 the contract principal shall be continued for the remainder of
4 the term of the contract subject to subsection (e) (1).

5 "b. If the result of the review of the evaluation
6 upholds the unsatisfactory evaluation, the contract principal
7 shall be informed of the reasons for the upholding of the
8 unsatisfactory evaluation and the contract of the contract
9 principal shall be cancelled.

10 "(k) Except as provided in subsection (h), the
11 contract of a principal holding the position on July 1, 2000,
12 shall not be canceled, nonrenewed, reduced, or changed in
13 compensation or continuing service status, or time toward
14 continuing service status, due to the enactment of this
15 chapter.

16 "(1) (1) Any decision not to continue the employment
17 of a probationary principal or contract principal shall be
18 made by a majority vote of the employing board upon the
19 written recommendation of the chief executive officer.

20 "(2) The decision not to continue the employment of
21 a contract principal shall cancel the employment relationship
22 between the employing board and the contract principal
23 effective at the end of the current contract period.

24 "(3) Any contract principal who had attained
25 continuing service status in a position other than principal
26 with the employing board before becoming a contract principal
27 shall retain that previously earned status and be returned to

1 a similar status position within a reasonable time of the
2 cancellation or nonrenewal of their contract as a principal
3 with the employing board, provided that the cause for
4 cancellation is not for conviction of a felony or crime
5 involving moral turpitude.

6 "(m) If a contract principal is not evaluated as
7 required by this section, his or her contract shall be
8 extended one additional contract year for each contract year
9 not evaluated up to three years.

10 "(n) The chief executive officer shall make a timely
11 written recommendation to the employing board regarding the
12 continued employment of a probationary principal at the end of
13 his or her probationary period and the continued employment of
14 a contract principal at the end of his or her contract.
15 Failure of the chief executive officer to make such a
16 recommendation shall not in any way prejudice the probationary
17 principal or contract principal."

18 Section 2. Commencing on August 1, 2020, every
19 person employed as a local superintendent of education or a
20 principal shall serve as a classroom teacher for one course
21 each semester, excluding summer semesters, during the academic
22 school year. The course taught shall be in a core subject that
23 is offered at a school within the school system under his or
24 her professional jurisdiction as a local superintendent of
25 education or within the school for which he or she then serves
26 as principal. While serving as a classroom teacher, the local
27 superintendent of education or principal shall perform all

1 instructional duties and ancillary functions expected of a
2 classroom teacher including, but not limited to, physically
3 conducting the class, conducting parent teacher conferences,
4 assigning projects, grading papers, and other administrative
5 duties. No additional duties, including extracurricular
6 obligations, may be assigned to the local superintendent of
7 education or principal as a result of teaching the class.

8 Section 3. This act shall become effective on the
9 first day of the third month following its passage and
10 approval by the Governor, or its otherwise becoming law.