

1 HB79
2 115690-3
3 By Representative Buskey
4 RFD: Education Policy
5 First Read: 12-JAN-10
6 PFD: 01/06/2010

1 Section 1. Section 16-4-1.1 is added to the Code of
2 Alabama 1975, to read as follows:

3 (a) Notice of a vacancy in the position of State
4 Superintendent of Education shall be posted by the State Board
5 of Education. The notice shall be posted on the Internet and
6 in a conspicuous place at each school campus and worksite,
7 including all state and local board of education offices, at
8 least 30 calendar days before the position is to be filled.
9 The notice shall remain posted until the position is filled
10 and shall include, but not necessarily be limited to, all of
11 the following:

- 12 (1) Job description and title.
- 13 (2) Required qualifications.
- 14 (3) Salary amount.
- 15 (4) Information on where to submit an application.
- 16 (5) Information on any deadlines for applying.
- 17 (6) Any other relevant information.

18 (b) The State Board of Education may adopt or
19 continue policies which are not inconsistent with this
20 section. The position shall not be filled during the required
21 posting period, except as herein provided. The posting of a
22 vacancy notice as required in this section shall not be
23 abridged or delayed except in emergency circumstances and then
24 delayed only temporarily in order to reasonably meet the
25 conditions of the emergency. Violation of the notice

1 requirements of this section by the board shall void any
2 related employment action taken by the board.

3 (c) A vacancy in the position of State
4 Superintendent of Education shall be filled by the State Board
5 of Education within 120 days after the vacancy occurs. The
6 board may temporarily fill the position on an interim basis
7 for not more than ~~six months~~ two six-month periods.

8 Section 2. Sections 16-9-11, 16-12-1, and
9 16-60-111.1 of the Code of Alabama 1975, are amended to read
10 as follows:

11 "§16-9-11.

12 "(a) A vacancy in the ~~office~~ position of county
13 superintendent shall be filled by the county board of
14 education within ~~90~~ 120 days after such a vacancy occurs.

15 "(b) In the event such vacancy is not filled by the
16 county board of education within ~~90~~ 120 days, the state
17 superintendent shall fill such vacancy by appointment. The
18 appointee shall hold office for the unexpired term. "Term," as
19 used in this section, includes, in addition to those terms the
20 beginning and ending of which are fixed definitely by the law,
21 terms fixed by the county board of education, in which latter
22 case the unexpired term shall be the balance of the term fixed
23 for the last person serving as such officer, ~~provided, that~~
24 ~~when.~~ When there is such vacancy which the state
25 superintendent is authorized to fill, and no term has been
26 fixed by the county board of education, and no term of

1 definite duration is fixed by law, the appointee of the State
2 Superintendent of Education shall serve two years from the
3 next succeeding first day of July.

4 "(c) Notice of a vacancy in the position of an
5 appointed county superintendent of education shall be posted
6 by the county board of education. The notice shall be posted
7 in a conspicuous place at each school campus and worksite at
8 least 30 calendar days before the position is to be filled.
9 The notice shall remain posted until the position is filled
10 and shall include, but not necessarily be limited to, all of
11 the following:

12 "(1) Job description and title.

13 "(2) Required qualifications.

14 "(3) Salary range.

15 "(4) Information on where to submit an application.

16 "(5) Information on any deadlines for applying.

17 "(6) Any other relevant information.

18 "(d) The board may adopt or continue policies which
19 are not inconsistent with this section. The position shall not
20 be filled during the required posting period, except as herein
21 provided. The posting of a vacancy notice as required in this
22 section shall not be abridged or delayed except in emergency
23 circumstances and then delayed only temporarily in order to
24 reasonably meet the conditions of the emergency. The adoption
25 of additional policies shall comply with the requirements and
26 procedures of Section 16-1-30.

1 "(e) Substantive, willful violation Violation of the
2 notice requirements of this section shall void any related
3 employment action taken by the board.

4 "§16-12-1.

5 "(a) The city board of education shall appoint a
6 city superintendent of schools to hold office at the pleasure
7 of the board. The city superintendent of schools shall receive
8 such compensation as the city board of education shall direct.
9 The city board of education may remove the city superintendent
10 of schools for incompetency, immorality, misconduct in office,
11 willful neglect of duty or when, in the opinion of the board,
12 the best interests of the schools require ~~it~~ such action.

13 "(b) Notice of a vacancy in the position of an
14 appointed city superintendent of education shall be posted by
15 the city board of education. The notice shall be posted in a
16 conspicuous place at each school campus and worksite at least
17 30 calendar days before the position is to be filled. The
18 notice shall remain posted until the position is filled and
19 shall include, but not necessarily be limited to, all of the
20 following:

21 "(1) Job description and title.

22 "(2) Required qualifications.

23 "(3) Salary range.

24 "(4) Information on where to submit an application.

25 "(5) Information on any deadlines for applying.

26 "(6) Any other relevant information.

1 "(c) The board may adopt or continue policies which
2 are not inconsistent with this section. The position shall not
3 be filled during the required posting period, except as herein
4 provided. The posting of a vacancy notice as required in this
5 section shall not be abridged or delayed except in emergency
6 circumstances and then delayed only temporarily in order to
7 reasonably meet the conditions of the emergency. The adoption
8 of additional policies shall comply with the requirements and
9 procedures of Section 16-1-30.

10 "(d) A vacancy in the position of city
11 superintendent shall be filled by the board within 120 days
12 after such a vacancy occurs.

13 "(e) ~~Substantive, willful violation~~ Violation of the
14 notice requirements of this section shall void any related
15 employment action taken by the board.

16 "§16-60-111.1.

17 "(a) For the sole purpose of assisting the board in
18 carrying out its authority and responsibility for each of the
19 junior colleges and trade schools, the board shall have the
20 authority to appoint a Chancellor who will also be Chief
21 Executive Officer of the Postsecondary Education Department.
22 The Chancellor shall serve at the pleasure of the board and
23 perform such duties as assigned by the board; ~~provided,~~
24 ~~however, that the.~~ The board may enter into a contract with
25 the Chancellor for his or her services for a period not to
26 exceed four years. The Chancellor shall be a person of good

1 moral character with academic and professional education
2 equivalent to graduation from a recognized university or
3 college, who is knowledgeable in postsecondary institution
4 administration and has training and experience sufficient to
5 qualify him or her to perform the duties of ~~his~~ the office.

6 "(b) Notice of a vacancy in the position of
7 Chancellor shall be posted by the State Board of Education.
8 The notice shall be posted on the Internet and in a
9 conspicuous place at each postsecondary school campus and
10 worksite, including all state and local board of education
11 offices, at least 30 calendar days before the position is to
12 be filled. The notice shall remain posted until the position
13 is filled and shall include, but not necessarily be limited
14 to, all of the following:

15 "(1) Job description and title.

16 "(2) Required qualifications.

17 "(3) Salary range.

18 "(4) Information on where to submit an application.

19 "(5) Information on any deadlines for applying.

20 "(6) Any other relevant information.

21 "(c) The board may adopt or continue policies which
22 are not inconsistent with this section. The position shall not
23 be filled during the required posting period, except as herein
24 provided. The posting of a vacancy notice as required in this
25 section shall not be abridged or delayed except in emergency
26 circumstances and then delayed only temporarily in order to

1 reasonably meet the conditions of the emergency. A violation
2 of the notice requirements of this section by the board shall
3 void any related employment action taken by the board.

4 "(d) A vacancy in the position of Chancellor shall
5 be filled by the state board within 180 days after such a
6 vacancy occurs. The board may temporarily fill the position on
7 an interim basis for not more than ~~six months~~ two six months
8 periods."

9 Section 3. Section 16-60-111.9 is added to the Code
10 of Alabama 1975, to read as follows:

11 (a) For the purposes of this section, the following
12 terms shall have the following meanings:

13 (1) BOARD. The Board of Trustees of the Alabama
14 Institute for Deaf and Blind; the Alabama Youth Services
15 Department School Board in its capacity as the Board of
16 Education for the Youth Services School District; the Board of
17 Directors of the Alabama School of Fine Arts; the Board of
18 Trustees of the Alabama High School of Mathematics and
19 Science; and the State Board of Education as applied to
20 two-year postsecondary education institutions.

21 (2) EXECUTIVE OFFICER. The President of the Alabama
22 Institute for Deaf and Blind; the president of any two-year
23 school or college under the auspices of the State Board of
24 Education; the Executive Director of the Alabama School of
25 Fine Arts; the Superintendent of the Department of Youth

1 Services School District; and the Executive Director of the
2 Alabama High School of Mathematics and Science.

3 (b) Notice of a vacancy in the position of executive
4 officer shall be posted by the applicable board. The notice
5 shall be posted on the Internet and in a conspicuous place at
6 each school campus and worksite at least 30 calendar days
7 before the position is to be filled. The notice shall remain
8 posted until the position is filled and shall include, but not
9 necessarily be limited to, all of the following:

10 (1) Job description and title.

11 (2) Required qualifications.

12 (3) Salary range.

13 (4) Information on where to submit an application.

14 (5) Information on any deadlines for applying.

15 (6) Any other relevant information.

16 (c) The board may adopt or continue policies which
17 are not inconsistent with this section. The position shall not
18 be filled during the required posting period, except as herein
19 provided. The posting of a vacancy notice as required in this
20 section shall not be abridged or delayed except in emergency
21 circumstances and then delayed only temporarily in order to
22 reasonably meet the conditions of the emergency. The adoption
23 of additional policies shall comply with the requirements and
24 procedures of Section 16-1-30.

25 (d) A vacancy in the position of executive officer
26 shall be filled by the board within 120 days after such

1 vacancy occurs, except in the case of a financial emergency.

2 The board may temporarily fill the position on an interim
3 basis for not more than ~~six months~~ two six-month periods.

4 Experience gained by employment on a temporary interim or
5 emergency basis may not be applied toward job experience
6 requirements.

7 (e) Violation of the notice requirements of this
8 section by the board shall void any related employment action
9 taken by the board.

10 Section 4. The requirements of this act shall not
11 apply to any search underway on the effective date of this
12 act.

13 Section 5. Although this bill would have as its
14 purpose or effect the requirement of a new or increased
15 expenditure of local funds, the bill is excluded from further
16 requirements and application under Amendment 621, now
17 appearing as Section 111.05 of the Official Recompilation of
18 the Constitution of Alabama of 1901, as amended, because the
19 bill requires expenditures only by a school board.

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

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House of Representatives

Read for the first time and re-
ferred to the House of Representa-
tives committee on Education Policy
..... 12-JAN-10

Read for the second time and placed
on the calendar 14-JAN-10

Read for the third time and passed
as amended 28-JAN-10

Yeas 102 Nays 0, Abstains 10

Greg Pappas
Clerk