

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

1
2 ENROLLED, An Act,

3 Relating to public education; to amend Sections
4 16-9-11, 16-12-1, and 16-60-111.1, Code of Alabama 1975; to
5 add Sections 16-4-1.1 and 16-60-111.9 to the Code of Alabama
6 1975; to require the posting of notices of vacancies in the
7 positions of State Superintendent of Education, appointed
8 county superintendent of education, appointed city
9 superintendent of education, Chancellor of Postsecondary
10 Education, and the chief executive officer of any two-year
11 school or college under the auspices of the State Board of
12 Education, the Alabama Institute for Deaf and Blind, the
13 Alabama School of Fine Arts, the Department of Youth Services
14 School District, and the Alabama High School of Mathematics
15 and Science; and in connection therewith to have as its
16 purpose or effect the requirement of a new or increased
17 expenditure of local funds within the meaning of Amendment 621
18 of the Constitution of Alabama of 1901, now appearing as
19 Section 111.05 of the Official ReCompilation of the
20 Constitution of Alabama of 1901, as amended.

21 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

24 (a) Notice of a vacancy in the position of State
25 Superintendent of Education shall be posted by the State Board

1 of Education. The notice shall be posted on the Internet and
 2 in a conspicuous place at each school campus and worksite,
 3 including all state and local board of education offices, at
 4 least 30 calendar days before the position is to be filled.
 5 The notice shall remain posted until the position is filled
 6 and shall include, but not necessarily be limited to, all of
 7 the following:

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

14 (b) The State Board of Education may adopt or
 15 continue policies which are not inconsistent with this
 16 section. The position shall not be filled during the required
 17 posting period, except as herein provided. The posting of a
 18 vacancy notice as required in this section shall not be
 19 abridged or delayed except in emergency circumstances and then
 20 delayed only temporarily in order to reasonably meet the
 21 conditions of the emergency. Violation of the notice
 22 requirements of this section by the board shall void any
 23 related employment action taken by the board.

24 (c) A vacancy in the position of State
 25 Superintendent of Education shall be filled by the State Board

1 of Education within 120 days after the vacancy occurs. The
 2 board may temporarily fill the position on an interim basis
 3 for not more than ~~six months~~ two six-month periods.

4 Section 2. Sections 16-9-11, 16-12-1, and
 5 16-60-111.1 of the Code of Alabama 1975, are amended to read
 6 as follows:

7 "§16-9-11.

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

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

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

9 "(1) Job description and title.

10 "(2) Required qualifications.

11 "(3) Salary range.

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

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

14 "(6) Any other relevant information.

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

1 "(6) Any other relevant information.

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

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

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

17 "§16-60-111.1.

18 "(a) For the sole purpose of assisting the board in
19 carrying out its authority and responsibility for each of the
20 junior colleges and trade schools, the board shall have the
21 authority to appoint a Chancellor who will also be Chief
22 Executive Officer of the Postsecondary Education Department.
23 The Chancellor shall serve at the pleasure of the board and
24 perform such duties as assigned by the board; ~~provided,~~
25 ~~however, that the.~~ The board may enter into a contract with

1 the Chancellor for his or her services for a period not to
2 exceed four years. The Chancellor shall be a person of good
3 moral character with academic and professional education
4 equivalent to graduation from a recognized university or
5 college, who is knowledgeable in postsecondary institution
6 administration and has training and experience sufficient to
7 qualify him or her to perform the duties of ~~his~~ the office.

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

17 "(1) Job description and title.

18 "(2) Required qualifications.

19 "(3) Salary range.

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

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

22 "(6) Any other relevant information.

23 "(c) The board may adopt or continue policies which
24 are not inconsistent with this section. The position shall not
25 be filled during the required posting period, except as herein

1 provided. The posting of a vacancy notice as required in this
2 section shall not be abridged or delayed except in emergency
3 circumstances and then delayed only temporarily in order to
4 reasonably meet the conditions of the emergency. A violation
5 of the notice requirements of this section by the board shall
6 void any related employment action taken by the board.

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

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

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

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

24 (2) EXECUTIVE OFFICER. The President of the Alabama
25 Institute for Deaf and Blind; the president of any two-year

1 school or college under the auspices of the State Board of
2 Education; the Executive Director of the Alabama School of
3 Fine Arts; the Superintendent of the Department of Youth
4 Services School District; and the Executive Director of the
5 Alabama High School of Mathematics and Science.

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

13 (1) Job description and title.

14 (2) Required qualifications.

15 (3) Salary range.

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

17 (5) Information on any deadlines for applying.

18 (6) Any other relevant information.

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

1 of additional policies shall comply with the requirements and
2 procedures of Section 16-1-30.

3 (d) A vacancy in the position of executive officer
4 shall be filled by the board within 120 days after such
5 vacancy occurs, except in the case of a financial emergency.
6 The board may temporarily fill the position on an interim
7 basis for not more than ~~six months~~ two six-month periods.
8 Experience gained by employment on a temporary interim or
9 emergency basis may not be applied toward job experience
10 requirements.

11 (e) Violation of the notice requirements of this
12 section by the board shall void any related employment action
13 taken by the board.

14 Section 4. The requirements of this act shall not
15 apply to any search underway on the effective date of this
16 act.

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

1 Section 6. This act shall become effective
2 immediately following its passage and approval by the
3 Governor, or its otherwise becoming law.

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Speaker of the House of Representatives

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in
and was passed by the House 28-JAN-10, as amended.

Greg Pappas
Clerk

Senate

04-MAR-10

Passed