

1 SB24
2 188187-2
3 By Senator Albritton (Constitutional Amendment)
4 RFD: Education and Youth Affairs
5 First Read: 09-JAN-18
6 PFD: 12/05/2017

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8 SYNOPSIS: Under existing law, the membership of the
9 State Board of Education includes the Governor as
10 an ex officio member and eight members elected from
11 districts provided by general law.

12 Also under existing law, the State
13 Superintendent of Education is appointed by the
14 State Board of Education.

15 This bill would propose an amendment to the
16 Constitution of Alabama of 1901, to establish the
17 position of Director of Education as a cabinet
18 level position in lieu of the State Superintendent
19 of Education and to provide for the appointment of
20 the Director of Education by the Governor, subject
21 to confirmation by the Senate.

22 This bill would also propose that a Board of
23 Counsel be established in lieu of the State Board
24 of Education and that the Director of Education
25 appoint the members of the Board of Counsel.

26
27 A BILL

1 TO BE ENTITLED

2 AN ACT

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4 Proposing an amendment to Amendment 284 to the
5 Constitution of Alabama of 1901, now appearing as Section 262
6 of the Official ReCompilation of the Constitution of Alabama
7 of 1901, as amended, relating to the composition of the State
8 Board of Education and the selection of the State
9 Superintendent of Education; to establish the position of
10 Director of Education as a cabinet level position in lieu of a
11 State Superintendent of Education; to provide that the
12 Director of Education be appointed by the Governor, subject to
13 confirmation by the Senate; to establish a Board of Counsel in
14 lieu of the State Board of Education; and to provide that the
15 Director of Education appoint the members of the Board of
16 Counsel.

17 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

18 Section 1. The following amendment to Amendment 284
19 to the Constitution of Alabama of 1901, as amended, now
20 appearing as Section 262 of the Official ReCompilation of the
21 Constitution of Alabama of 1901, as amended, is proposed and
22 shall become valid as a part thereof when approved by a
23 majority of the qualified electors voting thereon and in
24 accordance with Sections 284, 285, and 287 of the Constitution
25 of Alabama of 1901, as amended:

26 PROPOSED AMENDMENT

27 "Amendment 284.

1 "1. General supervision of the public schools in
2 Alabama shall be vested in a ~~state board of education~~ Board of
3 Counsel, which shall be ~~elected~~ appointed by the Director of
4 Education in such manner as the ~~legislature~~ Legislature may
5 provide.

6 "2. The chief state school officer shall be the
7 ~~state superintendent of education~~ Director of Education, who
8 shall be appointed by the ~~state board of education and~~
9 Governor, subject to confirmation by the Senate. The Director
10 of Education shall be a cabinet level position and the
11 appointee shall serve at ~~its~~ the pleasure of the Governor. The
12 authority and duties of the ~~superintendent of education~~
13 Director of Education shall be determined by the ~~state board~~
14 ~~of education according to such regulations as the legislature~~
15 ~~may prescribe~~ Legislature. The ~~superintendent of education~~
16 Director of Education shall receive an annual salary which
17 shall be fixed by the ~~legislature of Alabama~~ Governor and
18 shall be paid from the state treasury in installments as the
19 salaries of other state officers are paid.

20 "3. The ~~legislature~~ Legislature shall enact
21 appropriate laws to implement or enforce this ~~article of~~
22 amendment.

23 "4. The provisions of ~~article~~ Articles V and XIV of
24 the Constitution of Alabama as amended in conflict with this
25 ~~article~~ amendment are expressly repealed. ~~However, this~~
26 ~~amendment shall not be so construed as to effect the election~~

1 ~~or term of the state superintendent of education chosen before~~
2 ~~it becomes valid as a part of the Constitution.~~

3 "5. Upon ratification of this amendment, and the
4 appointment of the Director of Education and the members of
5 the Board of Counsel pursuant to this amendment, respectively,
6 the terms of the then serving State Superintendent of
7 Education and members of the State Board of Education shall
8 end."

9 Section 2. An election upon the proposed amendment
10 shall be held in accordance with Sections 284 and 285 of the
11 Constitution of Alabama of 1901, now appearing as Sections 284
12 and 285 of the Official Recompilation of the Constitution of
13 Alabama of 1901, as amended, and the election laws of this
14 state.

15 Section 3. The appropriate election official shall
16 assign a ballot number for the proposed constitutional
17 amendment on the election ballot and shall set forth the
18 following description of the substance or subject matter of
19 the proposed constitutional amendment:

20 "Proposing an amendment to the Constitution of
21 Alabama of 1901, to provide for the creation of a Director of
22 Education, as a cabinet level position, in lieu of the State
23 Superintendent of Education and the creation of a Board of
24 Counsel in lieu of the State Board of Education; to provide
25 for the appointment of the Director of Education by the
26 Governor and the appointment of the members of the Board of
27 Counsel by the Director of Education; and to provide that the

1 Legislature provide further for the powers and duties of the
2 Director of Education and the Board of Counsel.

3 "Proposed by Act _____."

4 This description shall be followed by the following
5 language:

6 "Yes () No ()."