

1 SB397  
2 200363-4  
3 By Senators Marsh, Orr, McClendon, Roberts, Chambliss,  
4 Albritton, Elliott, Livingston, Gudger, Price, Givhan,  
5 Shelnuttt, Stutts, Waggoner, Sessions, Williams, Whatley, Reed,  
6 Ward, Jones and Melson (Constitutional Amendment)  
7 RFD: Education Policy  
8 First Read: 09-MAY-19

1 SB397

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4 ENROLLED, An Act,

5 To propose an amendment to Amendment 284 to the  
6 Constitution of Alabama of 1901, now appearing as Section 262  
7 of the Official Recompilation of the Constitution of Alabama  
8 of 1901, as amended, relating to the composition of the State  
9 Board of Education and the appointment of the State  
10 Superintendent of Education; to change the name of the board  
11 to the Alabama Commission on Elementary and Secondary  
12 Education; to change the name of the superintendent to the  
13 Secretary of Elementary and Secondary Education; to require  
14 the members of the commission to be appointed by the Governor,  
15 subject to confirmation by the Senate; to require the  
16 Secretary of Elementary and Secondary Education to be  
17 appointed by the commission, subject to confirmation by the  
18 Senate; and to authorize the Governor to appoint a team of  
19 local educators and other officials to advise the commission  
20 on matters relating to the functioning and duties of the State  
21 Department of Education.

22 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

23 Section 1. The following amendment to the  
24 Constitution of Alabama of 1901, as amended, is proposed and  
25 shall become valid as a part thereof when approved by a

1 majority of the qualified electors voting thereon at the  
2 statewide primary election held on March 3, 2020, and in  
3 accordance with Sections 284, 285, and 287 of the Constitution  
4 of Alabama of 1901, as amended:

5 PROPOSED AMENDMENT

6 Amendment 284 to the Constitution of Alabama of  
7 1901, now appearing as Section 262 of the Official  
8 Recompilation of the Constitution of Alabama of 1901, is  
9 amended to read as follows:

10 "Amendment 284.

11 "1. General supervision of the public schools in  
12 Alabama and the State Department of Education shall be vested  
13 in a state board of education, which the Alabama Commission on  
14 Elementary and Secondary Education. One member of the  
15 commission shall be ~~elected~~ appointed by the Governor from  
16 each state congressional district, as those districts exist on  
17 the date of appointment, and any additional members, if  
18 necessary, shall be appointed by the Governor from the state  
19 at large, so that each congressional district is represented  
20 on the commission and the total number of appointed members  
21 equals nine. In the event the number of state congressional  
22 districts is greater than nine, the Legislature shall provide  
23 an alternative method for the appointment of the nine  
24 appointed members. Each member appointed to the commission  
25 shall be subject to confirmation by the Senate in such manner

1 as the ~~legislature~~ Legislature may provide. The Governor shall  
2 ensure that the appointed membership of the commission  
3 reflects the geographical, gender, and racial diversity of the  
4 students enrolled in public K-12 education in the state.  
5 Unless otherwise provided by the Legislature for initially  
6 staggered terms and for the filling of an unexpired term  
7 created by a vacancy, appointed members of the commission  
8 shall serve for terms of six years and may not serve for more  
9 than two full consecutive terms on the commission. Upon  
10 ratification of this amendment, and the appointment of the  
11 members of the Alabama Commission on Elementary and Secondary  
12 Education pursuant to this amendment, respectively, the terms  
13 of the then serving members of the State Board of Education  
14 shall end.

15 "2. The chief state school officer shall be the  
16 ~~state superintendent of education~~ Secretary of Elementary and  
17 Secondary Education, who shall be appointed by the ~~state board~~  
18 ~~of education~~ commission, subject to confirmation by the  
19 Senate. The secretary shall be a nonvoting member of the  
20 commission and shall serve at its pleasure in the position of  
21 secretary until a successor is appointed. If the Legislature  
22 is not in session when a vacancy in the position of secretary  
23 occurs, the commission shall appoint an interim secretary and  
24 shall submit the name of an individual for confirmation for  
25 the position of secretary during the next regular legislative

1 session. If the Legislature does not confirm the appointee  
2 within five legislative days, the position of secretary shall  
3 be vacant and the commission shall appoint another individual  
4 to the position of interim secretary. The authority and duties  
5 of the ~~superintendent of education~~ secretary, and the terms  
6 and conditions of his or her employment including, but not  
7 limited to, tenure in office, shall be determined by the ~~state~~  
8 ~~board of education according to such regulations as the~~  
9 ~~legislature may prescribe~~ commission. The ~~superintendent of~~  
10 ~~education~~ secretary shall receive an annual salary which shall  
11 be fixed by the ~~legislature of Alabama~~ commission and shall be  
12 paid from the ~~state treasury~~ State Treasury in installments as  
13 the salaries of other state officers are paid.

14 "3. The ~~legislature~~ Legislature shall enact  
15 appropriate laws to implement or enforce this ~~article of~~  
16 amendment.

17 "4. The provisions of ~~article~~ Articles V and XIV of  
18 the Constitution of Alabama as amended in conflict with this  
19 ~~article~~ amendment are expressly repealed. ~~However, this~~  
20 ~~amendment shall not be so construed as to effect the election~~  
21 ~~or term of the state superintendent of education chosen before~~  
22 ~~it becomes valid as a part of the Constitution.~~

23 "5. In addition to any function or duty provided by  
24 general law, the commission shall adopt all of the following:

1           "a. Course of study standards that ensure nationwide  
2 consistency and the seamless transfer of students from within  
3 and outside of the state, in lieu of common core.

4           "b. A comprehensive educator certification program.

5           "c. A comprehensive professional development program  
6 for educators.

7           "d. A comprehensive assessment system.

8           "e. A comprehensive accountability system.

9           "6. Immediately after the commission members are  
10 appointed and confirmed, the Governor shall appoint a diverse  
11 team, that is reflective of the geographical, gender, and  
12 racial diversity of the state, of current and former  
13 educators, school administrators, and appropriate officials  
14 from throughout the state, as determined necessary by the  
15 Governor, to consult with and make recommendations to the  
16 commission on a regular basis relating to the operation and  
17 functioning of the State Department of Education.

18           "7. The State Department of Education shall be  
19 governed by the commission and shall work in coordination with  
20 local boards of education."

21           Section 2. An election upon the proposed amendment  
22 shall be held in accordance with Sections 284 and 285 of the  
23 Constitution of Alabama of 1901, now appearing as Sections 284  
24 and 285 of the Official ReCompilation of the Constitution of

1 Alabama of 1901, as amended, and the election laws of this  
2 state.

3 Section 3. The appropriate election official shall  
4 assign a ballot number for the proposed constitutional  
5 amendment on the election ballot and shall set forth the  
6 following description of the substance or subject matter of  
7 the proposed constitutional amendment:

8 "Proposing an amendment to the Constitution of  
9 Alabama of 1901, to change the name of the State Board of  
10 Education to the Alabama Commission on Elementary and  
11 Secondary Education; to provide for the appointment of the  
12 members of the commission by the Governor, subject to  
13 confirmation by the Senate; to change the name of the State  
14 Superintendent of Education to the Secretary of Elementary and  
15 Secondary Education; to provide for the appointment of the  
16 secretary by the commission, subject to confirmation by the  
17 Senate; and to authorize the Governor to appoint a team of  
18 local educators and other officials to advise the commission  
19 on matters relating to the functioning and duties of the State  
20 Department of Education.

21 "Proposed by Act \_\_\_\_\_."

22 This description shall be followed by the following  
23 language:

24 "Yes ( ) No ( )."

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President and Presiding Officer of the Senate

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Speaker of the House of Representatives

SB397

Senate 16-MAY-19

I hereby certify that the within Act originated in and passed the Senate, as amended.

Patrick Harris,  
Secretary.

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House of Representatives  
Passed: 31-MAY-19

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By: Senator Marsh