

1 HB279
2 174398-1
3 By Representative Beech
4 RFD: Education Policy
5 First Read: 23-FEB-16

2
3
4
5
6
7
8 SYNOPSIS: Under existing law, members of local boards
9 of education are required to annually complete
10 continuing education and training requirements
11 developed in cooperation with the Alabama
12 Association of School Boards.

13 This bill would provide for the
14 certification of organizations by the State
15 Superintendent of Education to assist in the
16 development and provision of required training to
17 members of local boards of education.

18 This bill would also require newly elected
19 or appointed members of local boards of education
20 to attend an orientation session provided by the
21 local superintendent of education, relating to
22 local school system policies and procedures, that
23 would count toward the annual training requirement.

24
25 A BILL
26 TO BE ENTITLED
27 AN ACT

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

To amend Section 16-1-14.1, Code of Alabama 1975, relating to the continuing education and training of local board of education members; to provide for the certification of organizations to develop and provide training; and to require newly elected or appointed members to attend an orientation session provided by the local superintendent of education.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 16-1-41.1 of the Code of Alabama 1975, is amended to read as follows:

"§16-1-41.1.

"(a) This section shall be known and may be cited as the School Board Governance Improvement Act of 2012.

"(b) The Legislature finds and declares all of the following:

"(1) That the purpose of this section is to enhance the effectiveness of public education governance in Alabama through the establishment of training requirements, boardmanship standards, and accountability measures that are designed to promote informed deliberations and decisions, to revise the qualifications for serving as a member of a local board of education, to provide for a code of conduct for each member of a local board of education in order to better ensure that any decision or action of a local board of education is based on the interests of students or the system, and to foster the development and implementation of organizational

1 practices that are designed to promote broad support of the
2 public schools.

3 "(2) A local board of education is the legally
4 constituted body that governs a local school system, promotes
5 student learning, and prepares students to be college and
6 career ready. A local school board, and not individual board
7 members, is entrusted with this responsibility. To function
8 effectively, board members, both individually and
9 collectively, must operate with the highest degree of
10 accountability to these responsibilities and their fiduciary
11 duty to act in the best interests of the local school system,
12 without self-interest. A board member, as an individual, shall
13 satisfy minimum qualifications to serve, shall comply with a
14 code of conduct, and shall be required to participate in
15 orientation and ongoing training. To meet the goal of
16 comprehensive board member education and proficiency,
17 governance standards should be clearly reflected in board
18 member training with a focus on roles and responsibilities,
19 student and school performance standards, and the delineation
20 of each member's role as a public official holding public
21 trust.

22 "(c) For the purposes of this section, the following
23 terms shall have the following meanings:

24 "(1) **BOARDSMANSHIP.** The effective discharge of
25 duties as a member of a local board of education in keeping
26 with the highest standards of stewardship and principles of
27 public service as provided in this section.

1 "(2) LOCAL BOARD OF EDUCATION. A city or county
2 board of education whether elected or appointed.

3 "(d) (1) In conjunction with and as a precondition to
4 the installation of any elected or appointed member of a local
5 board of education, and in addition to all other requirements
6 imposed by law, prospective members shall be required for each
7 term of office to affirm publicly and in writing all of the
8 following principles of educational governance:

9 "a. That each decision, action, and vote taken or
10 made as a member of a local board of education shall be based
11 solely on the needs and interests of students or the system.

12 "b. That no decision, action, or vote shall be taken
13 or made to serve or promote the personal, political, or
14 pecuniary interests of the member.

15 "c. That each decision, action, and vote shall be
16 based on the interests of the school system as a whole.

17 "d. That the views of all members of the local board
18 of education and of the local superintendent of education
19 shall be considered before making a decision or taking an
20 action on any measure or proposal before the local board of
21 education.

22 "e. That, except to the extent otherwise provided by
23 law, each member of a local board of education shall take
24 formal action upon the written recommendation of and in
25 consultation with the local superintendent of education, and
26 may not individually or jointly attempt to direct or corrupt
27 the operations of the school system in a manner that is

1 inconsistent with the discharge of the statutory functions and
2 responsibilities of the local superintendent of education.

3 "f. That each member of a local board of education
4 shall actively promote public support for the school system
5 and a sound statewide system of public education, and shall
6 endorse ideas, initiatives, and programs that are designed to
7 improve the quality of public education for all students.

8 "g. That each member of a local board of education
9 shall attend scheduled meetings and actively participate in
10 school system functions, activities, and training programs
11 that promote quality boardsmanship unless good cause is shown.

12 "(2) In addition to those duties specifically
13 enumerated in the Code of Alabama 1975, a local board of
14 education shall have all of the following duties:

15 "a. In concert with the local superintendent of
16 education, to establish a vision for the school system by
17 adopting goals that address student needs, advance student
18 performance, and monitor implementation of policies and
19 programs by reviewing data.

20 "b. To adopt written policies and programs, upon the
21 recommendation of the local superintendent of education, to
22 further the educational goals of the system and respond to
23 system needs.

24 "c. To act on personnel recommendations submitted by
25 the local superintendent of education in a timely manner,
26 based on student needs and system finances, without regard to
27 personal preferences or political interests.

1 "d. In concert with the local superintendent of
2 education, to consider and approve operating budgets for the
3 system aligned with the goals and objectives of the local
4 board of education.

5 "e. To advocate for the needs, resources, and
6 interests of public school students and refer stakeholders and
7 constituents to the local superintendent of education so that
8 these issues can be addressed by school system personnel.

9 "f. These duties should not be construed to limit or
10 change the duties of local boards of education as found in the
11 Code of Alabama 1975.

12 "(e) (1) In order to further the implementation of
13 sound principles of boardsmanship within and among the local
14 boards of education in the state, the State Superintendent of
15 Education shall develop continuing education and training
16 ~~programs~~ requirements for the members of the local boards of
17 education to enhance the understanding of the role of each
18 member in assuring the effective provision of educational
19 services. The ~~programs~~ requirements shall be developed in
20 cooperation with ~~the Alabama Association of School Boards~~
21 pursuant to Section 16-1-6 any organization that notifies the
22 State Superintendent of Education of an interest in the
23 process. The State Superintendent of Education shall develop
24 and implement a process whereby qualified organizations may
25 become certified to provide training to members of local
26 boards of education, and any training conducted by a certified
27 organization shall satisfy the requirements of this section

1 and any other training requirements imposed on members of
2 local boards of education. Only training provided by an
3 organization certified under this subsection shall satisfy the
4 training requirements imposed by this section.

5 "(2) In addition to the training requirements
6 imposed by this section, newly elected or appointed members of
7 local boards of education shall be required to attend an
8 orientation session presented by the local superintendent of
9 education. The orientation session shall be conducted within
10 30 days after election or appointment, shall include
11 information relating to local school system policies and
12 procedures, and shall be counted toward fulfilling the annual
13 training requirement for the board member.

14 "(f) Any member of a local board of education who
15 fails to satisfy the standards of boardsmanship as provided in
16 this section, or other statutory duty or obligation, under
17 circumstances that constitute neglect of duty or willful
18 misconduct, may be subject to the following sanctions:

19 "(1) Formal censure or reprimand upon an affirmative
20 vote of a majority of the members of the local board of
21 education on which he or she serves. No such action shall be
22 taken unless the member, who is the subject of the proposed
23 action, is provided at least 30 days' advance written notice
24 of the proposed action by the secretary of the local board of
25 education. The notice shall be issued only upon an affirmative
26 vote of a majority of the members of the whole board of
27 education, shall specify the reasons for the proposed action,

1 and shall state that the member shall be afforded an
2 opportunity to respond orally or in writing to the notice
3 before the vote of the local board of education on the
4 proposed action is taken.

5 "(2) Upon the referral of a written complaint by a
6 majority vote of the applicable local board of education, or
7 when, in the judgment of the State Superintendent of
8 Education, sufficient cause exists to do so, and subject to
9 the conditions hereinafter specified, the State Superintendent
10 may investigate serious and substantial allegations of neglect
11 of duty, misconduct, or breach of duty on the part of any
12 member or members of a local board of education. On the basis
13 of the investigation, the State Superintendent of Education
14 may either decline to pursue formal sanctions or issue a
15 written notice to the board members whose conduct is in
16 question, which notice shall specify the proposed imposition
17 of any sanctions that are contemplated as a result of the
18 investigation. The notice shall also describe with reasonable
19 particularity the neglect of duty, misconduct, or other breach
20 of legal duty upon which any proposed sanction is based. The
21 board member shall have at least 30 days to show cause in
22 person or in writing why he or she should not be subject to
23 the proposed sanction or to otherwise object to the proposed
24 sanction. Upon request, the board member shall be granted a
25 hearing before the State Superintendent of Education, or his
26 or her designee, for the purpose of contesting any proposed
27 sanction.

1 "(3) After the close of the investigation, review,
2 and hearing authorized by this section, the State
3 Superintendent of Education may recommend approval of any of
4 the following sanctions to the State Board of Education:

5 "a. A formal censure or reprimand of the board
6 member.

7 "b. For any board member who fails to meet mandated
8 training and attendance requirements, the member shall be
9 subject to disqualification from eligibility for future
10 appointment, reappointment, or election to any local board of
11 education in the state.

12 "c. For a board member whose conduct is found by the
13 State Superintendent of Education to constitute neglect of
14 duty or willful misconduct, the member shall be subject to
15 disqualification from eligibility for future appointment,
16 reappointment, or election to any local board of education in
17 the state.

18 "(4) Nothing in this subsection shall be deemed to
19 preclude a negotiated resolution of any action that may be
20 proposed or initiated by the State Superintendent of Education
21 under this section, provided that such resolution is suitably
22 memorialized, executed, made a matter of public record, and is
23 consistent with the purposes of this section.

24 "(5) No sanction shall be imposed on the basis of
25 the exercise of personal, political, or other rights of a
26 board member that are protected by the United States
27 Constitution or by any state or federal statute.

1 "(6) No sanction by the State Superintendent of
2 Education, other than as may be imposed by written agreement
3 with the board member, shall be effective until it is approved
4 by majority vote of the State Board of Education.

5 "(g) The State Board of Education shall adopt a
6 model code of conduct for members of local boards of education
7 by January 1, 2013. Before April 1, 2013, each local board of
8 education shall adopt a code of conduct that includes, at a
9 minimum, the model code of conduct adopted by the State Board
10 of Education. The State Superintendent of Education shall
11 develop and issue regulations to implement the requirements of
12 this section, including any regulations deemed necessary and
13 appropriate to ensure that procedures to be followed in
14 connection with the imposition of sanctions authorized under
15 this section conform to applicable legal standards.

16 "(h) This section is cumulative and in addition to
17 any other provision of law governing the training,
18 performance, and accountability of local boards of education
19 and members of local boards of education in the State of
20 Alabama."

21 Section 2. This act shall become effective
22 immediately following its passage and approval by the
23 Governor, or its otherwise becoming law.