SB316
173986-3
By Senator Marsh
RFD: Education and Youth Affairs
First Read: 01-MAR-16
SYNOPSIS: Under existing law, the Students First Act of 2011 provides a process for public K-12 school teachers to attain tenure.

This bill would create the Preparing and Rewarding Educational Professionals (PREP) Act of 2016.

This bill would provide a procedure for observing and evaluating teachers, principals, and assistant principals on performance and student achievement.

This bill would make an appropriation of $10,000,000 from the Education Trust Fund to the Legislative School Performance Recognition Program, for the fiscal year ending September 30, 2017, to fund rewards earned by schools pursuant to that program.

This bill would require implementation of the Legislative School Performance Recognition Program before September 1, 2016.
This bill would increase the number of years of service required to attain tenured status pursuant to the Students First Act of 2011, as amended by this act, under the same governing board from three to five consecutive years with three consecutive ratings of satisfies expectations, exceeds expectations, or significantly exceeds expectations pursuant to this act; would allow a governing board to evaluate a tenured teacher every other year; and would subject a tenured teacher who receives a rating of below expectations or significantly below expectations to two consecutive annual evaluations immediately thereafter.

This bill would establish the Alabama Teacher Recruitment Fund and would make an appropriation of $5,000,000 from the Education Trust Fund to the Alabama Teacher Recruitment Fund for the fiscal year ending September 30, 2017.

This bill would establish the Alabama Teacher Mentor Program, to provide continuity in the improvement and growth of new teachers, and would make an appropriation of $3,000,000 from the
Education Trust Fund to the Alabama Teacher Mentor Program for the fiscal year ending September 30, 2017.

This bill would also establish the Legislative Teacher Advisement Committee to make recommendations to the Legislature, the State Board of Education, and the State Superintendent of Education regarding issues of classroom instruction and performance rewards for schools.

Amendment 621 of the Constitution of Alabama of 1901, now appearing as Section 111.05 of the Official Recompilation of the Constitution of Alabama of 1901, as amended, prohibits a general law whose purpose or effect would be to require a new or increased expenditure of local funds from becoming effective with regard to a local governmental entity without enactment by a 2/3 vote unless: it comes within one of a number of specified exceptions; it is approved by the affected entity; or the Legislature appropriates funds, or provides a local source of revenue, to the entity for the purpose.

The purpose or effect of this bill would be to require a new or increased expenditure of local funds within the meaning of the amendment. However, the bill does not require approval of a local governmental entity or enactment by a 2/3 vote to
become effective because it comes within one of the specified exceptions contained in the amendment.

A BILL
TO BE ENTITLED
AN ACT

Relating to public education; to create the Preparing and Rewarding Educational Professionals (PREP) Act of 2016; to provide a procedure for observing and evaluating teachers, principals, and assistant principals on performance and student achievement; to make an appropriation of $10,000,000 from the Education Trust Fund to the Legislative School Performance Recognition Program, for the fiscal year ending September 30, 2017, to fund rewards earned by schools pursuant to that program; to amend Sections 16-6C-3 and 16-24C-4, Code of Alabama 1975, to require implementation of the Legislative School Performance Recognition Program before September 1, 2016, and to increase the number of years of service required to attain tenured status pursuant to the Students First Act of 2011, from three to five consecutive years with three consecutive ratings of satisfies expectations, exceeds expectations, or significantly exceeds expectations; to allow a governing board to evaluate a tenured teacher every other year; to subject a tenured teacher who receives a rating of below expectations or significantly below expectations to two consecutive annual evaluations immediately
thereafter; to subject a tenured teacher who receives two consecutive ratings of below expectations or significantly below expectations pursuant to this act to personnel action by the governing board; to establish the Alabama Teacher Recruitment Fund; to make an appropriation of $5,000,000 from the Education Trust Fund to the Alabama Teacher Recruitment Fund, for the fiscal year ending September 30, 2017; to establish the Alabama Teacher Mentor Program; to make an appropriation of $3,000,000 from the Education Trust Fund to the Alabama Teacher Mentor Program for the fiscal year ending September 30, 2017; to establish the Legislative Teacher Advisement Committee to make recommendations to the Legislature, State Board of Education, and State Superintendent of Education regarding classroom instruction and school performance rewards; and in connection therewith to have as its purpose or effect the requirement of a new or increased expenditure of local funds within the meaning of Amendment 621 of the Constitution of Alabama of 1901, now appearing as Section 111.05 of the Official Recompilation of the Constitution of Alabama of 1901, as amended.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 1 to 12, inclusive, of this act shall be known and may be cited as the Preparing and Rewarding Educational Professionals (PREP) Act of 2016.

Section 2. For the purposes of this act, the following terms shall have the following meanings:
(1) BELOW EXPECTATIONS. A teacher who has received a summative performance evaluation rating that falls within the second lowest tier of the evaluation system of the employer.

(2) CHIEF EXECUTIVE OFFICER. The chief administrative and executive officer of an entity, institution, agency, or political subdivision of the state that is subject to this act and includes, without limitation, superintendents of city or county boards of education. The term includes persons serving in such a capacity on an acting or interim basis under lawful appointment or by operation of law.

(3) DEPARTMENT. The State Department of Education.

(4) EMPLOYEE. Unless otherwise specified, and as appropriate to the context, the term includes a teacher whose employment is subject to this act.

(5) EMPLOYER. The entity, institution, agency, or political subdivision of the state by which a teacher who is subject to this act is employed. Employers subject to this act include all city and county boards of education, all educational institutions under the control of the Department of Youth Services, and the Alabama Institute for Deaf and Blind.

(6) EXCEEDS EXPECTATIONS. A teacher who has received a summative performance evaluation rating that falls within the second highest tier of the evaluation system of the employer.
(7) GOVERNING BOARD. The body of elected or appointed officials that is granted authority by law, regulation, or policy to make employment decisions on behalf of the employer. If final decision-making authority with respect to employment decisions is conferred by law, regulation, or duly adopted policy on an official, administrator, or organizational unit other than a separate governing board, the decision or action of such official, administrator, or organizational unit, is that of the governing board for purposes of this act, and no additional approval of such decision or action shall be required. Under such circumstances, the official administrator, president, or organizational unit shall assume and exercise the duties of the governing board established by this act. For purposes of this act, the State Board of Education shall not be deemed to be or authorized to function as the employer or the governing board of an employer covered by this act.

(8) PROFESSIONAL EDUCATOR'S CERTIFICATE. A certificate or license, by whatever name, designation, or subclassification known or identified, issued by the State Department of Education, and that must be maintained by the teacher in order to be employed as a teacher in the county and city schools of this state. A professional educator's certificate does not include certificates or licenses that are issued to instructional aides or assistants, to substitute teachers, or to operations staff, or other employees whose job duties do not require or entail the instruction of students or
(9) SATISFIES EXPECTATIONS. A teacher who has received a summative performance evaluation rating that falls within the middle tier of the evaluation system of the employer.

(10) SCHOOL YEAR. The period beginning with the first day of the annual school term and ending with the last day of the annual school term on which classroom instructors are required to report for duty, as established by the governing board.

(11) SIGNIFICANTLY BELOW EXPECTATIONS. A teacher who has received a summative performance evaluation rating that falls within the lowest tier of the evaluation system of the employer.

(12) SIGNIFICANTLY EXCEEDS EXPECTATIONS. A teacher who has received a summative performance evaluation rating that falls within the highest or top tier of the evaluation system of the employer.

(13) STUDENT ACHIEVEMENT GROWTH. The change in achievement for an individual student between two or more points in time, based on standards-based measures that are valid, rigorous, and comparable across classrooms of similar content, levels, and status as a state assessed or nonstate assessed subject.

(14) STUDENT GROWTH MODEL. A statistical growth model used to isolate the effect and impact of a teacher on
1 student learning, controlling for preexisting characteristics
2 of a student including, but not limited to, prior achievement.
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(15) SUPPORT PERSONNEL. Janitors or custodians, bus
drivers, lunchroom or cafeteria workers, secretaries, clerks,
clerical assistants, maintenance workers, or other
noncertificated employees.

(16) TEACHER. All employees of entities that are
covered by this act who are required by law, regulation, or
employer policy to maintain a professional educator's
certificate issued by the State Department of Education and
who are employed by a city or county board of education, the
Alabama Institute for Deaf and Blind, or educational and
correctional institutions under the control of the Department
of Youth Services. The term also includes principals who had
attained tenure under prior law, contract principals, and
assistant principals under subsection (h) of Section 16-24B-3,
Code of Alabama 1975. The term also includes Teach for
America, and other alternatively certified teachers, but does
not include a substitute teacher, an employer's chief
executive officer, or chief school financial officer, whether
or not certification is required for those positions by law or
policy. If a contract principal holds a contract on the
effective date of this act that does not allow for an annual
evaluation, the contract principal may not be subject to an
annual evaluation until he or she enters into a new contract.
All principal contracts executed after the effective date of
this act shall include an annual evaluation requirement based
on this act.

(17) TENURE. Continuing service status granted to
teachers under the Students First Act of 2011 and the Students
First Act of 2011, as amended by this act.

Section 3. (a) Beginning with the 2017-2018 school
year, every teacher employed by a governing board shall be
formally evaluated annually pursuant to this act and assigned
a rating. The rating shall be used by a teacher to attain
tenure and by a governing board to schedule evaluations and
take personnel actions pursuant to the Students First Act of
2011, as amended by this act.

(b) The department, by rule, shall develop a model
evaluation system for use by governing boards in evaluating
the effectiveness of teachers and teachers serving as
principals or assistant principals. The model shall include
both mandatory and permissive elements for a governing board
to utilize in developing a local evaluation system, as
provided in Section 4. A local evaluation system as developed
by a governing board shall be approved by the department
before use by the governing board. Until approval is obtained,
a governing board shall utilize the model evaluation system
developed by the department.

Section 4. (a) The model evaluation system developed
by the department pursuant to this act shall define the
elements of evaluation and standards for effectiveness for
teachers providing classroom instruction at the K-12 level.
(b) Student achievement growth, at a minimum, shall initially comprise a minimum of 25 percent of the total year-end teacher evaluation score. The model evaluation system developed by the department and any local evaluation system developed by a governing board shall comply with the requirements of this subsection. A governing board may not waive the requirements of this subsection pursuant to a flexibility contract between the governing board and the department under the Alabama Accountability Act of 2013.

Student achievement growth shall be measured as follows:

a.1. For teachers of any state assessed subject areas, evidence of student achievement growth using a student growth model as determined by the department for grade levels and subjects for which student state assessment data is available. For purposes of calculating the student growth model, the department shall use student performance on the ACT Aspire examination, American College Test (ACT), and other examination approved by the department that measures student achievement, if applicable, or a successor examination adopted and used by the department to measure student academic performance and achievement.

2. On or before October 1, 2016, the department shall choose a student growth model that specializes in the development and implementation of student growth models for purposes of complying with this section and shall report that choice to the State Board of Education.
3. The department may include additional examinations as evidence of student achievement growth provided that the data from those examinations is compatible with the student growth model selected by the department.

b. For teachers of any nonstate assessed subject areas, evidence of student achievement growth shall be based on any number of measures from the department developed list of preapproved options for governing boards to utilize to measure student achievement growth.

c. The measure of student achievement growth shall be based on at least three years of student performance data, if available. If student growth and assessment data are not available for a teacher for at least three consecutive school years, the annual year-end evaluation shall be based on all student growth and assessment data available for the teacher.

(c) The model evaluation system developed by the department and any local evaluation system developed by a governing board may apportion the remaining maximum of 75 percent of the total year-end teacher evaluation score as the department or governing board determines best. A governing board shall have flexibility in determining the weight of each of the following when developing and revising a local evaluation system. The governing board may not waive the requirement of complying with this subsection pursuant to a flexibility contract between the governing board and the department under the Alabama Accountability Act of 2013. At a
minimum, an evaluation system shall contain all of the following:

(1) At least two observations per school year. One observation shall be conducted by the school principal, assistant principal, or his or her designee. An observation shall be aligned to a clear, consistent rubric provided to the teacher before the beginning of the school year that assesses teacher performance as it relates to evidence-based instructional practices that promote student achievement. An observation may be announced or unannounced, and shall be of sufficient duration to provide meaningful data. At least one observation shall last the duration of one complete classroom lesson. All observations shall be conducted by evaluators who have a full understanding of the evaluation system and its expectations for teachers and evaluators. No person shall be responsible for the evaluation of personnel unless the person has received education and training in evaluation skills approved by the department that enable him or her to make fair, professional, and credible evaluations of the personnel whom he or she is responsible for evaluating.

(2) Student surveys from students in grades three and above.

(3) Additional measures of performance correlated with impacts on student achievement results or, for a teacher in the first two years of his or her career, best practices of teaching and learning for engaging and motivating students to excel academically. Additional measures of performance shall
comprise the remaining percentage of total year-end teacher evaluation scores.

(4) Methods of feedback from evaluators during a post-observation conference that allow a teacher meaningful opportunity to improve his or her effectiveness and receive recommendations on targeted professional development, as needed.

(d) Individual schools demonstrating incremental student growth shall be eligible to participate in a rewards to school initiative, with funds appropriated by the Legislature going to the schools according to rules adopted by the department. The rewards program shall utilize the Legislative School Performance Recognition Program established in Chapter 6C of Title 16 of the Code of Alabama 1975. The sum of ten million dollars ($10,000,000) is appropriated from the Education Trust Fund to the State Department of Education, for the purpose of funding the required rewards, for the fiscal year ending September 30, 2017. Any leftover funds shall revert to the Education Trust Fund.

Section 5. (a) The model evaluation system for teachers serving as principals or assistant principals developed by the department pursuant to this act shall define the elements of evaluation and standards for effectiveness for teachers serving as principals or assistant principals at the K-12 level.

(b) At a minimum, student achievement growth shall initially comprise a minimum of 25 percent of the total
year-end evaluation score for teachers serving as principals and teachers serving as assistant principals. The model evaluation system developed by the department and any local evaluation system developed by a governing board shall comply with the requirements of this subsection. A governing board may not waive the requirements of this subsection pursuant to a flexibility contract between the governing board and the department under the Alabama Accountability Act of 2013.

Evidence of growth in student achievement and academic growth shall be measured using a student growth model as determined by the department for grade levels and subjects for which student state assessment data is available.

(c) The model evaluation system developed by the department, and any local evaluation system developed by a governing board, may apportion the remaining maximum of 75 percent of the total year-end evaluation score for teachers serving as principals and teachers serving as assistant principals as the department or governing board determines best. A governing board shall have flexibility in determining the weight of each of the following when developing and revising a local evaluation system. The governing board may not waive the requirement of complying with this subsection pursuant to a flexibility contract between the governing board and the department under the Alabama Accountability Act of 2013. At a minimum, an evaluation system shall contain multiple fair, transparent, timely, rigorous, and valid standards of quality leadership and performance as determined
by the department, including a professional growth plan
developed by each principal or assistant principal
collaborating with his or her evaluator or evaluators at the
beginning of each evaluation period. The growth plan shall be
designed to assist each principal or assistant principal in
satisfying the standards for effectiveness, effectively
addressing the needs of students, classroom teachers, and
staff, and building and maintaining a school environment that
is conducive to continuous learning. Each growth plan shall
include a statement of the professional development objectives
of the principal or assistant principal as well as the
strategies the principal or assistant principal intends to
employ toward the achievement of each objective. These shall
include, but not be limited to, standards for demonstrating
all of the following:

(1) Strategic and managerial leadership,
specifically as it relates to finance, space, and legal
compliance.

(2) Instructional leadership.

(3) School culture and equity leadership.

(4) External leadership development related to
family and community outreach.

Section 6. (a) Teachers shall be given written
notice at a pre-evaluation conference before the beginning of
the school year or upon his or her employment, as applicable,
of the measures and any specific indicators that may be used
to evaluate his or her performance.
(b) Based upon his or her year-end evaluation scores, each teacher shall be rated annually on his or her effectiveness. The levels of effectiveness, as defined by rule of the department, are as follows:

(1) Significantly below expectations.
(2) Below expectations.
(3) Satisfies expectations.
(4) Exceeds expectations.
(5) Significantly exceeds expectations.

(c) Pending the promulgation of rules by the department defining each level of effectiveness, the applicable governing board may establish and implement temporary definitions for each level.

(d) A teacher evaluation performed pursuant to this act is a sensitive personnel record.

Section 7. After the first course of teacher evaluations performed pursuant to this act have been completed, if a governing board determines that a reduction in force is necessary, the most significant factor in the decision to suspend or terminate the employment of a teacher shall be the overall performance of the teacher on the annual evaluation system adopted by the governing board pursuant to this act.

Section 8. Before the beginning of the 2017-18 school year, the department shall do all of the following:

(1) Develop, implement, and publicly disseminate a statewide student growth model for determining student growth
on assessments for purposes of teacher evaluations in order to standardize student academic growth measures and ensure teachers are measured according to the value they add to student growth in the classroom or school, for teachers serving as principals or assistant principals. The department shall work with the Alabama Longitudinal Data System Center created by an act of the Legislature during the 2016 Regular Session. Nothing in this subdivision shall be construed to usurp or diminish the authority of the department in administering and implementing this act.

(2) Provide technical assistance to governing boards in developing and implementing an evaluation system, including providing or helping to develop training for evaluators.

(3) Develop, pursuant to this act, a model default evaluation system as follows:

   a. The default evaluation system shall be used by all governing boards, unless the department authorizes the local governing board to utilize a local evaluation system developed pursuant to Section 4 and approved by the department pursuant to Section 3.

   b. A governing board that uses the state default evaluation system may revise or adapt policies or processes in the system to the extent consistent with this act and rules promulgated by the department.

(4) Provide or approve evaluation forms to be used in evaluations.
(5) Provide to the longitudinal data system links between individual teacher evaluations and personnel data; data on the number of teachers rated at each performance level by school; data for teacher preparation programs in the state; and achievement data for individual students. The department shall annually report this data on the department website.

(6) Monitor evaluation systems established and implemented by governing boards to ensure that evaluation outcomes are consistent in the aggregate with student achievement results at the school level and school district level, as applicable; and that the evaluation system satisfies the requirements of this act and rules promulgated by the department; and direct any appropriate corrective actions.

Section 9. The governing board shall do all of the following:

(1) Ensure that teachers and teachers serving as principals or assistant principals are offered professional development to continually improve instruction and student achievement. Professional development shall be targeted for the needs of each teacher pursuant to his or her evaluation results, observations, and conferences.

(2) Use the default evaluation system for teachers unless the governing board develops its own evaluation system consistent with Section 4. A governing board may opt out of the default system, if the governing board chooses to develop its own system. If a governing board chooses to opt out, the evaluation system developed by the governing board shall
continue to be subject to the percentage and definition requirements of this act and approval by the department.

(3) Collect and publicly report data via its website on the number of teachers at each effectiveness level by school and school system. The governing board shall only publish data that complies, in whole and in part, with state and federal privacy laws. A teacher evaluation performed pursuant to this act is a sensitive personnel record. Data reported via the website of a governing board shall include a definition of what constitutes an effective teacher for the schools under the jurisdiction of that board.

(4) Monitor evaluation system implementation at the school level to ensure that evaluation outcomes are consistent in the aggregate with student achievement results at the school level or school district level, as applicable; monitor that the evaluation system satisfies the requirements of this act, whether or not the evaluation system utilized by the governing board is the opt out evaluation system or the default evaluation system; implement rules promulgated by the department; and direct any appropriate corrective action.

Section 10. (a) Evaluation results shall also be used to provide high quality, job-embedded, and ongoing mentoring, support, and professional development for teachers, as appropriate, aligned to the needs of the teacher as identified in his or her annual evaluation.

(b) Any teacher who receives a summative performance evaluation rating of below expectations or significantly below
expectations for his or her annual evaluation shall be provided a professional development reimbursement for the year after the evaluation. The teacher shall pursue professional development that specifically aligns with the recommendations provided in his or her annual evaluation and shall receive reimbursement from the governing board for the cost of the professional development, not to exceed five hundred dollars ($500). Reimbursement shall be provided by the department after the governing board certifies to the department evidence of successful completion of professional development by the teacher.

Section 11. (a) On or before the beginning of each school year, the governing board shall distribute to each employee a summary of the Educators Liability Trust Fund, as provided in Section 16-22-4.1, Code of Alabama 1975, and a summary of Section 36-1-12, Code of Alabama 1975, relating to teacher immunity.

(b) The Department of Finance shall annually prepare and provide to the department, and the department shall distribute to each governing board, sufficient copies of the summary for distribution to employees. The summary shall include all of the following:

(1) A statement that the Educators Liability Trust Fund provides sufficient coverage in the event a claim is made or a suit is filed against an employee based on the performance of his or her job duties.

(2) A statement of the policy limits.
(3) A statement relating to teacher immunity under Section 36-1-12, Code of Alabama 1975.

(4) Any other information determined by the department to be necessary to inform employees of the purpose and benefits of the Educators Liability Trust Fund.

Section 12. Nonprobationary status is not available for support personnel or a classified employee hired for the first time to a position in a school or school district after January 1, 2017.

Section 13. Sections 16-6C-3 and 16-24C-4 of the Code of Alabama 1975, are amended to read as follows:

"§16-6C-3.

"(a) The Legislative School Performance Recognition Program is created within the State Department of Education to reward public schools that either:

"(1) Demonstrate high performance by being ranked in the top 25 percent of public schools, as ranked in the school grading system created in Section 16-6C-2.

"(2) Demonstrate exemplary progress by improving the overall annual ranking of the school by at least one letter grade, as ranked in the school grading system created in Section 16-6C-2.

"(b) All public schools that are ranked in the school grading system created in Section 16-6C-2 are eligible to participate in the program.

"(c) The State Superintendent of Education shall prescribe guidelines for how the program shall be administered
and implemented by not later than December 31, 2013, but the program may not be implemented by the State Superintendent of Education or the State Department of Education until both of the following have occurred: September 1, 2016.

"(1) Rules governing how the program is to be administered and implemented have been promulgated by the State Department of Education pursuant to the Alabama Administrative Procedure Act.

"(2) The school grading system created in Section 16-6C-2 is in its second academic year of implementation.

"(d) In developing the program, the State Superintendent of Education shall seek input from parents, teachers, school administrators, existing State Department of Education advisory groups or task forces, and other education stakeholders on how the program may properly reflect not only the overall academic proficiency of each public school but also the academic improvements made by each public school.

"(e) Selected schools shall receive financial awards depending on the availability of funds appropriated by the Legislature to the program. The State Superintendent of Education shall distribute funds to eligible schools on a competitive basis based on the criteria set forth in this section as well as in the rules governing how the program is to be administered and implemented. When funds are awarded, the State Superintendent of Education may award no more than 20 percent of the total appropriation to those schools eligible for an award pursuant to subdivision (1) of
subsection (a). Any remaining amounts shall be awarded to those schools eligible for an award pursuant to subdivision (2) of subsection (a). No school may be eligible for an award pursuant to both subdivision (1) and subdivision (2) of subsection (a) at the same time.

"(f) Subject to the rules governing how the program is to be administered and implemented, a school eligible for an award pursuant to subdivision (1) or subdivision (2) of subsection (a) shall be exempt from any statute or regulation related to the prescribed use of funds at the school level, or any categorical spending requirements imposed through the appropriation of funds from the state, except those requirements associated with the receipt of federal funds. A school eligible for an award pursuant to subdivision (1) or subdivision (2) of subsection (a) shall be eligible for the flexibility provided by this subsection regardless of whether the school receives a financial award as contemplated by subsection (e).

"(g) A list of schools eligible for an award pursuant to subdivision (1) or subdivision (2) of subsection (a) shall be annually posted by the State Superintendent of Education on the website of the department.

"(h) On or before September 1, 2016, the State Department of Education shall adopt rules as necessary to administer and implement this chapter.

"$16-24C-4.
"(a) No action may be proposed or approved based upon personal or political reasons on the part of the employer, chief executive officer, or governing board. A teacher shall attain tenure, and a classified employee shall attain nonprobationary status as follows:

"(1)a. Except as otherwise provided by Section 16-23-3, a teacher who is hired before January 1, 2017, who is not an employee of a two-year educational institution operated under the authority and control of the Department of Postsecondary Education Alabama Community College System, shall attain tenure upon the completion of three complete, consecutive school years of full-time employment as a teacher with the same employer unless the governing board approves and issues written notice of termination to the teacher on or before the last day of the teacher's third consecutive, complete school year of employment. For purposes of this chapter, a probationary teacher whose employment or reemployment is effective prior to October 1 of the school year and who completes the school year shall be deemed to have served a complete school year. A teacher employed by a two-year educational institution operated under the authority and control of the Department of Postsecondary Education Alabama Community College System shall attain tenured status upon the completion of six consecutive semesters, excluding summer terms, at the same two-year institution, unless the president issues notice of termination to the teacher on or before 15 days prior to the end of the sixth consecutive
semester of employment, excluding summer terms. No
probationary teacher employed by a two-year educational
institution operated under the authority and control of the
Department of Postsecondary Education Alabama Community
College System shall attain tenure during or at the completion
of a summer term. For teachers who are required to hold a
professional educator's certificate, time in service without
such a certificate shall not be credited toward the attainment
of tenure.

"b. Except as otherwise provided by Section 16-23-3,
a teacher who is hired on or after January 1, 2017, who is not
an employee of a two-year educational institution operated
under the authority and control of the Alabama Community
College System, shall attain tenure upon the completion of
five or more complete, consecutive school years of full-time
employment as a teacher with the same employer if the teacher
receives three consecutive ratings of satisfies expectations,
exceeds expectations, or significantly exceeds expectations
pursuant to the PREP Act of 2016. To attain tenure, the three
consecutive years of satisfies expectations, exceeds
expectations, or significantly exceeds expectations ratings
shall be earned during the last three years of the five year
time period. Before tenure is attained, a governing board may
approve and issue written notice of termination to the teacher
on or before the last day of any school year of employment.
Once tenure is attained, a teacher may be evaluated every
second year thereafter, unless or until the teacher receives a
rating of below expectations or significantly below expectations pursuant to the PREP Act of 2016. A tenured teacher who receives a rating of below expectations or significantly below expectations shall be evaluated annually for the immediately following two consecutive years. Two consecutive ratings of below expectations or significantly below expectations shall subject a teacher to personnel action by the governing board including, but not limited to, mandatory intensive professional development, revocation of tenure, or termination of employment. In the event tenure is revoked, a teacher may again attain tenure upon earning three consecutive ratings of satisfies expectations, exceeds expectations, or significantly exceeds expectations pursuant to the PREP Act of 2016.

"c. For purposes of this chapter, a probationary teacher whose employment or reemployment is effective prior to October 1 of the school year and who completes the school year shall be deemed to have served a complete school year.

"(2) A probationary classified employee who is not an employee of a two-year educational institution operated under the authority and control of the Department of Postsecondary Education Alabama Community College System attains nonprobationary status upon the completion of three five complete, consecutive school years of full-time employment with the same employer unless the governing body of the employer approves and issues written notice of termination to the employee on or before the fifteenth day of June
immediately following the employee's third fifth consecutive complete school year of employment. In the first year of each legislative quadrennium, the written notice shall be provided on or before June 30. For purposes of this chapter, a probationary classified employee whose employment or reemployment is effective prior to October 1 of the school year and who completes the school year shall be deemed to have served a complete school year. A probationary classified employee of a two-year educational institution operated under the authority and control of the Department of Postsecondary Education Alabama Community College System shall attain nonprobationary status upon the completion of 36 consecutive months of employment at the same two-year institution, unless the president issues notice of termination to the classified employee on or before 15 days prior to the end of the thirty-sixth month of employment.

"(3) All of the following additional terms, conditions, and limitations apply to the attainment and retention of tenure or nonprobationary status:

"a. Only complete school years of service as defined in this chapter, including any leave that is credited to the employee for such purposes under board policy or applicable law, may be credited to the attainment of tenure or nonprobationary status.

"b. Neither tenure nor nonprobationary status may be attained as a chief executive officer, a chief school financial officer, as a president or vice president of a
two-year educational institution operated under the authority and control of the Department of Postsecondary Education, Alabama Community College System, or in or by virtue of employment in temporary, part-time, substitute, summer school, occasional, seasonal, supplemental, irregular, or like forms of employment, or in positions that are created to serve experimental, pilot, temporary, or like special programs, projects, or purposes, the funding and duration of which are finite.

c. Except as expressly provided to the contrary elsewhere in this chapter, neither tenure nor nonprobationary status in this chapter creates or confers any enforceable right or protected interest in or to a specific position, rank, work site or location, assignment, title, or rate of compensation within those categories of employment.

d. Service performed as a teacher may not be converted to, recognized, or otherwise credited to the employee for the purpose of attaining nonprobationary status as a classified employee. Service performed in the capacity of a classified employee may not be converted to, recognized, or otherwise credited to the employee for the purpose of attaining tenure as a teacher, whether or not the classified employee holds a certificate issued by the State Department of Education.

e. Neither tenured status nor time in probationary service shall be transferable from one employer subject to this chapter to another such employer, except that employees
whose employer changes by virtue of annexation, school
district formation, consolidation, or a similar reorganization
over which the employee has no control shall retain tenure or
nonprobationary status and service credit attained by virtue
of employment with the predecessor employer."

Section 14. (a) The Alabama Teacher Recruitment Fund
is established.

(b) A teacher who works in one of the following may
be eligible for a one-time initial bonus of two thousand five
hundred dollars ($2,500) before the beginning of the next
school year upon approval by the local employing board and the
State Superintendent of Education. An additional bonus of up
to one thousand dollars ($1,000) may be provided to the
teacher at the beginning of his or her fourth school year at
the same school where he or she received the initial bonus
pursuant to this section:

(1) A failing school that is included in the bottom
six percent of failing schools as defined by the Alabama
Accountability Act of 2013, or pursuant to the school grading
system pursuant to Chapter 6C of Title 16, Code of Alabama
1975.

(2) A school that has 80 percent or more of the
student population of the school receiving free or reduced
lunch.

(3) A school that is in restructuring or
reconstitution status, as determined and reported by the State
Department of Education.
(4) A school or school system that is geographically unable to provide adequate staff, based on documentation provided by the governing board to the State Superintendent of Education.

(c) The initial and subsequent bonus may be provided if the teacher satisfies any of the following:

(1) Teaches a subject that is in critical shortage as defined by the local school system and approval by the department.

(2) Is a career technical or special education teacher and the job position or opening has been pending for longer than six months.

(3) Is a new teacher or has received a minimum rating of satisfies expectations on his or her most recent evaluation pursuant to the PREP Act of 2016.

(d) If the teacher fills a position during the school year, the amount of the initial bonus shall be prorated based on the actual number of days worked during that school year.

(e) A teacher may receive each bonus only one time during his or her career as a teacher.

(f) By June 30 of each year, the State Department of Education shall submit a report to the Speaker of the House of Representatives, the President Pro Tempore of the Senate, the Chair of the House Ways and Means, Education Committee, and the Chair of the Senate Finance and Taxation, Education Committee listing the schools, number of teachers per school,
amount of each bonus, and the subject each teacher teaches utilizing the Alabama Teacher Recruitment Fund from the previous school year.

(g) The State Superintendent of Education may decrease the amount of any bonus contingent on factors including, but not limited to, demand, number of schools requesting bonuses, and geographical distribution.

(h) The sum of five million dollars ($5,000,000) is appropriated from the Education Trust Fund to the Alabama Teacher Recruitment Fund, for the fiscal year ending September 30, 2017. Any leftover funds shall revert to the Education Trust Fund.

Section 15. (a) There is established the Alabama Teacher Mentor Program.

(b) The purpose of the mentor program is to provide for the continuous improvement and growth of new teachers. The program, as developed by rule of the department, shall have all of the following:

(1) Goals that reflect local needs and are aligned with the goals of the local school district and the state.

(2) Clearly defined roles and responsibilities for mentor teachers.

(3) The requirement of mid-year and year-end reporting by the mentor teacher to the principal relating to the progress of the new teacher.
The requirement of at least two meetings per month of the mentor teacher and the first year teacher during the school year.

(c) At the beginning of each school year, each teacher who is beginning his or her first year of teaching in the public schools of the state shall be assigned a mentor teacher.

(d) A mentor teacher shall be identified and recommended by the school principal based on consistent ratings of exceeds expectations and significantly exceeds expectations, should have at least five years of teaching experience, and shall be compensated in an amount of no more than one thousand dollars ($1,000) for the year by the governing board for his or her services as a mentor. Any compensation provided a mentor teacher pursuant to this section shall be in accordance with all applicable local, state, and federal law.

(e) The sum of three million dollars ($3,000,000) is appropriated from the Education Trust Fund to the Alabama Teacher Mentor Program, for the fiscal year ending September 30, 2017. Any leftover funds shall revert to the Education Trust Fund.

Section 16. (a) There is established the Legislative Teacher Advisement Committee.

(b) The committee shall do all of the following:

(1) Assist the Legislature in crafting education policy relating to the PREP Act.
(2) Annually make recommendations to the State Board of Education and the Legislature relating to the model evaluation system and local evaluation systems developed pursuant to the PREP Act.

(3) Select a liaison from among the membership of the committee to serve as a point of contact with the Legislature. As necessary, the legislative liaison shall create an agenda of topics to be discussed, taking into consideration the input of all members of the committee and the Legislature.

(4) Make any other recommendations relating to classroom instruction issues to the Legislature, State Superintendent of Education, or State Board of Education, as deemed necessary.

(c) Initial appointments to the committee shall begin after December 1, 2016. The committee shall consist of the following members:

(1) Nine public K-12 teachers, each appointed by one of the nine members of the State Board of Education. A teacher member of the committee shall be actively teaching or shall have taught within the last five years and have at least five years of experience as a teacher. Three of the initial teacher members shall serve an initial term of 1 year, three of the initial teacher members shall serve an initial term of two years, and three of the initial teacher members shall serve an initial term of three years. Thereafter, all appointed teacher members shall serve terms of three years.
(2) Two public K-12 school principals appointed by the membership of the State Board of Education. One of the principal members of the committee shall be an actively serving elementary school principal and one of the principal members of the committee shall be an actively serving secondary school principal. One of the initial principal members shall serve an initial term of two years and one of the initial principal members shall serve an initial term of three years. Thereafter, all appointed principal members shall serve terms of three years.

(d) Membership of the commission shall be inclusive and reflect the racial, gender, geographic, urban/rural, and economic diversity of the state. Initial members shall serve until their successors are appointed. In the event of death or resignation of any member of the committee, a successor shall be appointed by the person or entity that made the original appointment and the successor appointed to the vacancy shall serve for the remainder of the unexpired term. A majority of the members of the committee shall constitute a quorum for transacting business or performing any duties.

(e) The organizational meeting of the committee shall be held on or before February 1, 2017. At the organizational meeting of the committee, and at the first meeting of the committee each year thereafter, the committee shall elect from its membership a chair and a vice chair, who shall serve in those positions for one year. Thereafter, the committee shall meet at least biannually and at the call of
the chair, vice chair, or upon the request of five or more members, with notice and procedure as prescribed by the rules of the committee.

(f) Each member of the committee shall serve without compensation and shall have demonstrated an understanding of and commitment to the development of state and local evaluation systems as a tool for strengthening public education and shall sign an agreement to hear and review documents and make recommendations in a fair and impartial manner.

(g) The committee shall have the same access to unidentified data as the department under the PREP Act.

Section 17. Although this bill would have as its purpose or effect the requirement of a new or increased expenditure of local funds, the bill is excluded from further requirements and application under Amendment 621, now appearing as Section 111.05 of the Official Recompilation of the Constitution of Alabama of 1901, as amended, because the bill addresses compensation, benefits, or due process of an employee of a board of education.

Section 18. This act shall become effective immediately following its passage and approval by the Governor, or its otherwise becoming law.