SB397

200363-2

By Senators Marsh, Orr, McClendon, Roberts, Chambliss, Albritton, Elliott, Livingston, Gudger, Price, Givhan, Shelnutt, Stutts, Waggoner, Sessions, Williams, Whatley, Reed, Ward, Jones and Melson (Constitutional Amendment)

RFD: Education Policy

First Read: 09-MAY-19
SYNOPSIS: Under existing law, the membership of the State Board of Education includes the Governor as an ex officio member and eight members elected from districts provided by general law, and the State Department of Education, which is under the direction of a board-appointed State Superintendent of Education, with the advice and counsel of the State Board of Education, is responsible for assisting the State Board of Education in executing the policies and procedures authorized by law and by regulations of the State Board of Education.

This bill would propose an amendment to the Constitution of Alabama of 1901, to rename the State Board of Education as the Alabama Commission on Elementary and Secondary Education and to provide that the members of the commission are appointed by the Governor, subject to confirmation by the Senate.

This bill would propose to rename the State Superintendent of Education as the Secretary of
Elementary and Secondary Education and to provide for the secretary to be appointed by the commission, subject to confirmation by the Senate.

This bill would also propose to authorize the Governor to appoint a team of local educators and other officials to advise the commission on matters relating to the functioning and duties of the State Department of Education.

A BILL

TO BE ENTITLED

AN ACT

To propose an amendment to Amendment 284 to the Constitution of Alabama of 1901, now appearing as Section 262 of the Official Recompilation of the Constitution of Alabama of 1901, as amended, relating to the composition of the State Board of Education and the appointment of the State Superintendent of Education; to change the name of the board to the Alabama Commission on Elementary and Secondary Education; to change the name of the superintendent to the Secretary of Elementary and Secondary Education; to require the members of the commission to be appointed by the Governor, subject to confirmation by the Senate; to require the Secretary of Elementary and Secondary Education to be appointed by the commission, subject to confirmation by the Senate; and to authorize the Governor to appoint a team of
local educators and other officials to advise the commission
on matters relating to the functioning and duties of the State
Department of Education.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The following amendment to the
Constitution of Alabama of 1901, as amended, is proposed and
shall become valid as a part thereof when approved by a
majority of the qualified electors voting thereon at the
statewide primary election held on March 3, 2020, and in
accordance with Sections 284, 285, and 287 of the Constitution
of Alabama of 1901, as amended:

PROPOSED AMENDMENT

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

"Amendment 284.

"1. General supervision of the public schools in
Alabama and the State Department of Education shall be vested
in a state board of education, which the Alabama Commission on
Elementary and Secondary Education. One member of the
commission shall be elected appointed by the Governor from
each state congressional district, as those districts exist on
the date of appointment, and any additional members, if
necessary, shall be appointed by the Governor from the state
at large, so that each congressional district is represented
on the commission and the total number of appointed members
equals nine. In the event the number of state congressional
districts is greater than nine, the Legislature shall provide
an alternative method for the appointment of the nine
appointed members. Each member appointed to the commission
shall be subject to confirmation by the Senate in such manner
as the legislature Legislature may provide. The Governor shall
ensure that the appointed membership of the commission
reflects the geographical, gender, and racial diversity of the
students enrolled in public K-12 education in the state.
Unless otherwise provided by the Legislature for initially
staggered terms and for the filling of an unexpired term
created by a vacancy, appointed members of the commission
shall serve for terms of six years and may not serve for more
than two full consecutive terms on the commission. Upon
ratification of this amendment, and the appointment of the
members of the Alabama Commission on Elementary and Secondary
Education pursuant to this amendment, respectively, the terms
of the then serving members of the State Board of Education
shall end.

“2. The chief state school officer shall be the
state superintendent of education Secretary of Elementary and
Secondary Education, who shall be appointed by the state board
of education commission, subject to confirmation by the
Senate. The secretary shall be a nonvoting member of the
commission and shall serve at its pleasure in the position of
secretary until a successor is appointed. If the Legislature
is not in session when a vacancy in the position of secretary
occurs, the commission shall appoint an interim secretary and shall submit the name of an individual for confirmation for the position of secretary during the next regular legislative session. If the Legislature does not confirm the appointee within five legislative days, the position of secretary shall be vacant and the commission shall appoint another individual to the position of interim secretary. The authority and duties of the superintendent of education secretary, and the terms and conditions of his or her employment including, but not limited to, tenure in office, shall be determined by the state board of education according to such regulations as the legislature may prescribe. The superintendent of education secretary shall receive an annual salary which shall be fixed by the legislature of Alabama and shall be paid from the state treasury in installments as the salaries of other state officers are paid.

"3. The legislature shall enact appropriate laws to implement or enforce this article of amendment.

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

"5. In addition to any function or duty provided by general law, the commission shall adopt all of the following:
"a. Course of study standards that ensure nationwide consistency and the seamless transfer of students from within and outside of the state, in lieu of common core.

"b. A comprehensive educator certification program.

c. A comprehensive professional development program for educators.

d. A comprehensive assessment system.

e. A comprehensive accountability system.

"6. Immediately after the commission members are appointed and confirmed, the Governor shall appoint a diverse team of current and former educators, school administrators, and appropriate officials from throughout the state, as determined necessary by the Governor, to consult with and make recommendations to the commission on a regular basis relating to the operation and functioning of the State Department of Education.

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

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

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

"Proposing an amendment to the Constitution of Alabama of 1901, to change the name of the State Board of Education to the Alabama Commission on Elementary and Secondary Education; to provide for the appointment of the members of the commission by the Governor, subject to confirmation by the Senate; to change the name of the State Superintendent of Education to the Secretary of Elementary and Secondary Education; to provide for the appointment of the secretary by the commission, subject to confirmation by the Senate; and to authorize the Governor to appoint a team of local educators and other officials to advise the commission on matters relating to the functioning and duties of the State Department of Education.

"Proposed by Act ________ ." 

This description shall be followed by the following language:

"Yes ( )  No ( )."