

1 SB397
2 200363-3
3 By Senators Marsh, Orr, McClendon, Roberts, Chambliss,
4 Albritton, Elliott, Livingston, Gudger, Price, Givhan,
5 Shelnutt, 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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3
4 ENGROSSED

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7 A BILL
8 TO BE ENTITLED
9 AN ACT

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

1 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

9 PROPOSED AMENDMENT

10 Amendment 284 to the Constitution of Alabama of
11 1901, now appearing as Section 262 of the Official
12 Recompilation of the Constitution of Alabama of 1901, is
13 amended to read as follows:

14 "Amendment 284.

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

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

17 "2. The chief state school officer shall be the
18 ~~state superintendent of education~~ Secretary of Elementary and
19 Secondary Education, who shall be appointed by the ~~state board~~
20 ~~of education~~ commission, subject to confirmation by the
21 Senate. The secretary shall be a nonvoting member of the
22 commission and shall serve at its pleasure in the position of
23 secretary until a successor is appointed. If the Legislature
24 is not in session when a vacancy in the position of secretary
25 occurs, the commission shall appoint an interim secretary and
26 shall submit the name of an individual for confirmation for
27 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:

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

1 "b. A comprehensive educator certification program.

2 "c. A comprehensive professional development program
3 for educators.

4 "d. A comprehensive assessment system.

5 "e. A comprehensive accountability system.

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

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

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

24 Section 3. The appropriate election official shall
25 assign a ballot number for the proposed constitutional
26 amendment on the election ballot and shall set forth the

1 following description of the substance or subject matter of
2 the proposed constitutional amendment:

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

16 "Proposed by Act _____."

17 This description shall be followed by the following
18 language:

19 "Yes () No ()."

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3 Senate

4 Read for the first time and referred to the Senate
5 committee on Education Policy..... 09-MAY-19
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7 Read for the second time and placed on the calen-
8 dar..... 14-MAY-19
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10 Read for the third time and passed as amended 16-MAY-19

11 Yeas 30
12 Nays 0

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15 Patrick Harris,
16 Secretary.
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