

1 SB397  
2 200363-2  
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

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

1           Elementary and Secondary Education and to provide  
2           for the secretary to be appointed by the  
3           commission, subject to confirmation by the Senate.

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

9  
10                   A BILL

11                   TO BE ENTITLED

12                   AN ACT

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

1 local educators and other officials to advise the commission  
2 on matters relating to the functioning and duties of the State  
3 Department of Education.

4 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

12 PROPOSED AMENDMENT

13 Amendment 284 to the Constitution of Alabama of  
14 1901, now appearing as Section 262 of the Official  
15 Recompilation of the Constitution of Alabama of 1901, is  
16 amended to read as follows:

17 "Amendment 284.

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

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

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

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

17 "3. The ~~legislature~~ Legislature shall enact  
18 appropriate laws to implement or enforce this ~~article of~~  
19 amendment.

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

26 "5. In addition to any function or duty provided by  
27 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 of current and former educators, school administrators,  
12 and appropriate officials from throughout the state, as  
13 determined necessary by the Governor, to consult with and make  
14 recommendations to the commission on a regular basis relating  
15 to the operation and functioning of the State Department of  
16 Education.

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

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

26           Section 3. The appropriate election official shall  
27 assign a ballot number for the proposed constitutional

1 amendment on the election ballot and shall set forth the  
2 following description of the substance or subject matter of  
3 the proposed constitutional amendment:

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

17 "Proposed by Act \_\_\_\_\_."

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

20 "Yes ( ) No ( )."