

1 SB486
2 118460-1
3 By Senators Dunn, Coleman, Ross, Denton, Smitherman, and
4 Singleton
5 RFD: Education
6 First Read: 02-MAR-10

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8 SYNOPSIS: Under existing law, the State
9 Superintendent of Education is authorized to revoke
10 the certificate of any education certificate holder
11 found guilty of immoral conduct or unbecoming or
12 indecent behavior.

13 This bill would require the State
14 Superintendent of Education to promptly notify the
15 holder of any certificate of the initiation of an
16 investigation regarding alleged misconduct and
17 would prohibit any action against a certificate
18 holder until the exhaustion of all due process
19 protections.
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21 A BILL
22 TO BE ENTITLED
23 AN ACT
24

25 Relating to public K-12 education; to amend Section
26 16-23-5, Code of Alabama 1975, to require the State
27 Superintendent of Education to promptly notify the holder of

1 any certificate of the initiation of an investigation
2 regarding alleged misconduct and would prohibit any action
3 against a certificate holder until the exhaustion of all due
4 process protections.

5 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

6 Section 1. Section 16-23-5 of the Code of Alabama
7 1975, is amended to read as follows:

8 "§16-23-5.

9 "(a) The State Superintendent of Education shall
10 have authority to revoke any certificate issued under the
11 provisions of this chapter when the holder has been guilty of
12 immoral conduct or unbecoming or indecent behavior.

13 "(b) If the superintendent receives a written
14 complaint alleging that a certificate holder has engaged in
15 immoral conduct or unbecoming or indecent behavior pursuant to
16 subsection (a), and determines that an investigation is
17 warranted, the superintendent, not more than 10 days after the
18 initiation of the investigation, shall notify and provide a
19 copy of the written complaint to the certificate holder.

20 "(c) The superintendent may not place the name of a
21 certificate holder on any registry indicating certification
22 action, take any action impairing the ability of a certificate
23 holder to obtain employment, or take any other action
24 impairing a certificate issued under this chapter until the
25 certificate holder has exhausted all due process rights,
26 including any appeals."

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