

1 HB563  
2 177004-1  
3 By Representatives Mooney, Hanes, Farley, Whorton (I), Shedd,  
4 Harbison, Henry, Whorton (R) and Crawford (Constitutional  
5 Amendment)  
6 RFD: Education Policy  
7 First Read: 20-APR-16

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8 SYNOPSIS: Under existing law, the State Superintendent  
9 of Education is appointed by and serves at the  
10 pleasure of the State Board of Education.

11 This bill would propose an amendment to  
12 Amendment No. 284 to the Constitution of Alabama of  
13 1901, relating to the selection, qualifications,  
14 powers, duties, and tenure of the State  
15 Superintendent of Education; to provide for the  
16 election of the State Superintendent of Education  
17 by the qualified electors of the state.

18  
19 A BILL  
20 TO BE ENTITLED  
21 AN ACT  
22

23 To propose an amendment to Amendment No. 284 to the  
24 Constitution of Alabama of 1901, now appearing as Section 264  
25 of the Official Recompilation of the Constitution of Alabama  
26 of 1901, as amended, relating to the selection,  
27 qualifications, powers, duties, and tenure of the State

1 Superintendent of Education; to provide for the election of  
2 the State Superintendent of Education by the qualified  
3 electors of the state.

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 and in  
9 accordance with Sections 284, 285, and 287 of the Constitution  
10 of Alabama of 1901, as amended:

11 PROPOSED AMENDMENT

12 "Amendment No. 284.

13 "1. General supervision of the public schools in  
14 Alabama shall be vested in a ~~state board of education~~ State  
15 Board of Education, which shall be elected in such manner as  
16 the ~~legislature~~ Legislature may provide.

17 "2. The chief state school officer shall be the  
18 ~~state superintendent of education, who shall be appointed by~~  
19 ~~the state board of education and serve at its pleasure~~ State  
20 Superintendent of Education. The State Superintendent of  
21 Education shall be elected by the qualified electors of the  
22 state at the same time and in the same manner as provided for  
23 the election of other elected state officers in the year 2018  
24 and every fourth year thereafter. The authority and duties of  
25 the ~~superintendent of education~~ Superintendent of Education  
26 shall be determined by the ~~state board of education~~ according  
27 to such regulations as the legislature may prescribe

1 Legislature. The ~~superintendent of education~~ Superintendent of  
2 Education shall receive an annual salary ~~which shall be fixed~~  
3 ~~by the legislature of Alabama and shall be paid from the state~~  
4 ~~treasury in installments as the salaries of other state~~  
5 ~~officers are paid~~ the same as provided to other members of the  
6 Governor's Cabinet.

7 "3. The ~~legislature~~ Legislature shall enact  
8 appropriate laws to implement or enforce this ~~article of~~  
9 amendment.

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

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

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

1                   "Proposing an amendment to the Constitution of  
2 Alabama of 1901, to provide for the election of the State  
3 Superintendent of Education by the qualified voters of the  
4 state.

5                   "Proposed by Act \_\_\_\_\_."

6                   This description shall be followed by the following  
7 language:

8                   "Yes ( ) No ( )."