

1 SB316
2 157718-3
3 By Senator Brewbaker
4 RFD: Education
5 First Read: 06-FEB-14

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4 ENGROSSED

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7 A BILL
8 TO BE ENTITLED
9 AN ACT

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11 To amend Section 16-6E-4, Code of Alabama 1975, as
12 created by Act 2013-310, 2013 Regular Session (Acts 2013);
13 relating to intervention in local education operations and
14 assumption of control by the State Board of Education; to
15 provide further for the conditions that warrant issuance of
16 written notice; and to provide that notice be issued to the
17 local superintendent of education and the presiding officer of
18 the local school system in lieu of the presiding officer of
19 the city or county board of education.

20 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

21 Section 1. Section 16-6E-4, Code of Alabama 1975, as
22 created by Act 2013-310, 2013 Regular Session (Acts 2013), is
23 amended to read as follows:

24 "§16-6E-4.

25 "The State Board of Education may intervene in the
26 educational operations of a city or county board of education
27 and thereby assume general and direct control over all

1 decision making and operational functions of the city or
2 county board of education under and subject to the following
3 terms and conditions:

4 ~~"(1) If the State Superintendent of Education~~
5 ~~determines that a majority of the schools in the system are~~
6 ~~priority schools, or the system is not in compliance with~~
7 ~~Chapter 13A of this title or the accreditation status of the~~
8 ~~system or a majority of the schools in the system has been~~
9 ~~placed on probation, or suspended, or revoked, or if any other~~
10 ~~formal disciplinary action has been ordered by the accrediting~~
11 ~~authority, the~~ a. The State Superintendent of Education shall
12 issue a written notice to the local superintendent of
13 education and the presiding officer of the ~~city or county~~
14 ~~board of education~~ local school system to show cause why
15 educational intervention should not be implemented. The notice
16 shall issue upon the State Superintendent of Education finding
17 that one or more of the following conditions exist:

18 "1. The local school system is in material
19 noncompliance with statutes, rules, or regulations, relating
20 to any of the following or a combination of material academic,
21 financial, organizational, operational, and/or safety
22 non-compliance, and school governance and accountability
23 including, but not limited to, mandates imposed by or under
24 authority of Chapter 13A of this title.

25 "2. A majority of the students have failed to meet
26 the state approved benchmark for state standards or the local
27 school system has been notified of disciplinary action taken

1 against it from the accrediting entity recognized by the State
2 Board of Education.

3 "b. The notice shall specify the deficiencies within
4 the operation of the city or county board of education, the
5 steps that are required to be taken to correct the
6 deficiencies, and a reasonable timetable for completing the
7 corrective measures, which timetable may be extended by the
8 State Superintendent of Education. The notice shall require
9 that the recipient board provide a specific written response
10 to the notice, which response shall be filed with the State
11 Superintendent of Education not less than 21 calendar days
12 after the date the notice was issued, unless the time for
13 filing the response is extended by the State Superintendent of
14 Education. In its response, the city or county board of
15 education may offer reasons why intervention is not warranted
16 or, in the alternative, a specific plan and timetable for
17 correcting the deficiencies identified in the notice to show
18 cause.

19 "(2) If, based on the response of the city or county
20 board of education to the notice to show cause or other
21 relevant circumstances and considerations, the State
22 Superintendent of Education determines that educational
23 intervention is not warranted or should be deferred, the city
24 or county board of education shall be notified of such
25 determination.

26 "(3) If, in light of the response of the city or
27 county board of education, the State Superintendent of

1 Education concludes that educational intervention is
2 nonetheless warranted, but that the plan proposed by the city
3 or county board of education for correcting the deficiencies
4 set forth in the notice is acceptable, with or without such
5 modifications as may be required by the State Superintendent
6 of Education, the city or county board of education shall be
7 notified of such determination. The plan, with any
8 modifications thereto that may be required by the State
9 Superintendent of Education, shall thereafter be implemented
10 according to its terms.

11 "(4) If the approved plan is not implemented or if
12 the response to the notice to show cause does not include a
13 plan that, in the judgment of the State Superintendent of
14 Education, adequately addresses the deficiencies that prompted
15 issuance of the notice, the State Superintendent of Education
16 shall request in writing that the State Board of Education
17 approve a resolution authorizing the State Superintendent of
18 Education to intervene in the operations of the city or county
19 board of education. The request of the State Superintendent of
20 Education shall include a description of the conditions and
21 circumstances supporting the request, a copy of the response
22 of the city or county board of education to the notice to show
23 cause why educational intervention should not be implemented,
24 an explanation of why the response of the city or county board
25 of education to the notice to show cause does not adequately
26 address the deficiencies identified in the notice, and a
27 proposed plan for correcting the deficiencies. The city or

1 county board of education that is the subject of the request
2 shall be notified thereof by the State Superintendent of
3 Education and shall be provided with a copy of the request of
4 the State Superintendent of Education and any material
5 accompanying or submitted in support of the request. Before
6 any vote of the State Board of Education on the request, the
7 city or county board of education that is the subject of the
8 request shall be afforded an opportunity to demonstrate in
9 writing to the State Board of Education why such action is not
10 warranted or should not be approved and to appear before the
11 State Board of Education for such purpose prior to a vote
12 being taken on the request for educational intervention.

13 "(5) The State Board of Education shall authorize
14 intervention under this chapter on the basis of the
15 deficiencies and supporting data cited in support of the
16 request for intervention authority of the State Superintendent
17 of Education and upon a finding that the city or county board
18 of education has demonstrated an unwillingness or inability to
19 voluntarily comply with the standards provided in subdivision
20 (1) and the requirements specified in the request of the State
21 Superintendent of Education. The resolution by which
22 educational intervention is authorized shall describe with
23 reasonable specificity the criteria or conditions that are
24 required to be satisfied by the city or county board of
25 education in order to be released from intervention. If the
26 State Board of Education approves a resolution authorizing
27 educational intervention, the State Superintendent of

1 Education may exercise plenary authority to make such
2 decisions or take such actions as he or she reasonably deems
3 necessary to correct the deficiencies that led to the request
4 for approval of intervention or that may be discovered in the
5 exercise of intervention authority. Educational intervention
6 authority may be exercised directly by the State
7 Superintendent of Education or indirectly through his or her
8 designee acting as a chief administrative officer who shall be
9 appointed by, report to, and serve in such capacity at the
10 pleasure and under the supervision of the State Superintendent
11 of Education. The chief administrative officer may act on
12 behalf of the State Superintendent of Education for all
13 purposes under this chapter. If the State Superintendent of
14 Education appoints a chief administrative officer, that
15 officer shall be designated by name in a resolution presented
16 to the State Board of Education.

17 "(6) While a city or county board of education is
18 operating under educational intervention, the State
19 Superintendent of Education or the chief administrative
20 officer shall have the power and authority to act for and on
21 behalf of the city or county board of education and its
22 superintendent in all matters and for all purposes under the
23 Code of Alabama 1975. No decision, action, or undertaking made
24 or approved by the State Superintendent of Education or chief
25 administrative officer shall require the separate
26 recommendation, concurrence, or approval of any city or county
27 board of education or any official thereof in order to be

1 deemed final, valid, or enforceable. While under educational
2 intervention, a city or county board of education, with the
3 approval of the State Superintendent of Education or the chief
4 administrative officer, may meet according to a schedule and
5 agenda that are approved in advance by the State
6 Superintendent of Education or the chief administrative
7 officer and are subject to modification only at the direction
8 or with the express approval of the State Superintendent of
9 Education or the chief administrative officer. Otherwise, the
10 city or county board of education shall meet only at the call
11 of and for specific purposes approved by the State
12 Superintendent of Education or the chief administrative
13 officer. While under educational intervention, city and county
14 boards of education and their officials and employees shall
15 serve under the supervision and direction of the State
16 Superintendent of Education or the chief administrative
17 officer. The State Superintendent of Education or the chief
18 administrative officer may delegate to the employees of the
19 State Department of Education or city or county board of
20 education officials or employees such administrative authority
21 and responsibilities as they may deem necessary to ensure the
22 timely, practical, and efficient execution of normal
23 educational functions, and, at the expense of the city or
24 county board of education, may engage and direct the
25 activities of such consultants, specialists, or employees as
26 they deem necessary to achieve the objectives of the
27 intervention.

1 "(7) Personnel actions that the State Superintendent
2 of Education or the chief administrative officer deem
3 necessary and appropriate to the attainment of intervention
4 objectives may be implemented directly by such officials.
5 Personnel actions taken pursuant to the intervention authority
6 of the State Superintendent of Education must comply with
7 Chapter 24C of this title, the Students First Act of 2011, if
8 and to the extent that the Students First Act of 2011 would
9 otherwise control, except that the State Superintendent of
10 Education shall discharge the functions that would otherwise
11 be executed by the local superintendent and board of education
12 under the Students First Act of 2011. Intervention-related
13 personnel actions shall also be described by the State
14 Superintendent of Education or the chief administrative
15 officer in a written report that shall include the specific
16 personnel actions to be taken and an explanation of how such
17 actions serve the attainment of one or more intervention
18 objectives. At the direction of the State Superintendent of
19 Education or the chief administrative officer, and as soon as
20 practicable following its issuance, the report shall be
21 entered into the minutes of the city or county board of
22 education and the nature of individual personnel actions shall
23 be suitably memorialized in the personnel files of affected
24 employees and in databases or other records maintained for
25 such purposes by the city or county board of education. No
26 delay or irregularity in the transmittal or recordation of the
27 foregoing report or related data shall invalidate or impair

1 the timely implementation of intervention-related personnel
2 actions as prescribed by the State Superintendent of Education
3 or the chief administrative officer. Personnel actions that
4 are deemed advisable or appropriate but that are not
5 identified as related to the attainment of intervention
6 objectives by the State Superintendent of Education or the
7 chief administrative officer may be initiated and acted on by
8 city or county board officials. Such actions shall be taken in
9 accordance with Chapter 24C of this title, the Students First
10 Act of 2011, or other generally applicable statutory
11 requirements, policies, and procedures if the proposed actions
12 would otherwise be subject to such statutes, policies, and
13 procedures and if they are first authorized by the State
14 Superintendent of Education or the chief administrative
15 officer.

16 "(8) The State Superintendent of Education shall
17 report to the State Board of Education regarding the status of
18 intervention in the affected city or county system
19 periodically or at the request of the State Board of Education
20 and, in any event, not less than once every six months.

21 "(9) A city or county board of education may be
22 released from educational intervention upon the adoption of a
23 resolution by the State Board of Education authorizing such
24 action. The resolution shall be considered by the State Board
25 of Education upon the written recommendation of the State
26 Superintendent of Education or upon presentation of a written
27 petition requesting such action duly executed by at least

1 two-thirds of the members of the city or county board of
2 education that is operating under educational intervention.
3 The petition shall set forth the grounds on which the petition
4 is based and may include any evidence that may be relevant to
5 consideration by the State Board of Education. Representatives
6 of the city or county board of education may also be heard in
7 connection with the petition, but no vote shall be taken on
8 the petition by the State Board of Education without first
9 soliciting the views of the State Superintendent of Education
10 regarding the merits of the petition."

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

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Senate

Read for the first time and referred to the Senate
committee on Education..... 06-FEB-14

Read for the second time and placed on the calen-
dar..... 12-FEB-14

Read for the third time and passed as amended 11-MAR-14

Yeas 29
Nays 0

Patrick Harris
Secretary