

1 HB639
2 139566-1
3 By Representative Black
4 RFD: Ways and Means Education
5 First Read: 03-APR-12

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8 SYNOPSIS: This bill is the Jobs and Education Reform
9 Act of 2012.

10 This bill would establish a means for
11 improving public elementary and secondary
12 education, in the state, by implementing a
13 mandatory school improvement plan for schools
14 identified as priority schools that need additional
15 resources in the areas of academics, finance, and
16 discipline.

17 This bill would provide for the mandatory
18 implementation of the Torchbearer Model of school
19 transformation for only those schools identified as
20 priority schools in need of improvement.

21 This bill would provide flexibility to the
22 State Department of Education and local educational
23 systems.

24 This bill would also provide a mechanism to
25 improve career and technical education programs
26 thereby improving the workforce in the state.
27

1 A BILL
2 TO BE ENTITLED
3 AN ACT
4

5 To establish the Jobs and Education Reform Act of
6 2012, as a new Chapter 6C, Title 16, consisting of Sections
7 16-6C-1 to 16-6C-14, inclusive, Code of Alabama 1975; to amend
8 Sections 16-37-3, 16-37-4, 16-37-5, 16-37-6, and 16-37-8, Code
9 of Alabama 1975; and to add Sections 16-37-8.1 to 16-37-8.4,
10 inclusive, to the Code of Alabama 1975, to provide a means for
11 improving public elementary and secondary education in the
12 state by implementing a mandatory school improvement plan for
13 schools identified as priority schools that need additional
14 resources in the areas of academics, finance and discipline;
15 to provide for the mandatory implementation of the Torchbearer
16 Model of school transformation for schools identified as
17 priority schools in need of improvement; to provide
18 flexibility to the State Department of Education and local
19 educational systems; and to provide a mechanism to improve
20 career and technical education programs thereby improving the
21 state workforce.

22 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

23 Section 1. Chapter 6C is added to Title 16 of the
24 Code of Alabama 1975, to read as follows:

25 §16-6C-1.

26 This chapter shall be known and may be cited as the
27 Jobs and Education Reform Act of 2012.

1 §16-6C-2.

2 For the purposes of this chapter, the following
3 terms shall have the following meanings:

4 (1) ADEQUATE YEARLY PROGRESS. As defined in the No
5 Child Left Behind Act, Title I, Section 111(b) (2) (A).

6 (2) COMMISSION. The Jobs and Educational Reform
7 Commission created by this chapter.

8 (3) CRITICAL NEEDS AREAS. Those curriculum and
9 teaching areas where there is an urgent need for action. These
10 areas include reading, mathematics, science, technology
11 education, and other areas to be identified from time to time
12 by the state board.

13 (4) ELECTRONIC CONTINUOUS IMPROVEMENT PLAN. Plans
14 for improvement developed for priority schools.

15 (5) INSERVICE EDUCATION. The training of regularly
16 certified education professionals who hold positions in the
17 public schools of the state.

18 (6) LOCAL EDUCATIONAL AGENCY. A county or city board
19 of education and the school systems over which these boards of
20 education have authority.

21 (7) PRIORITY SCHOOL. Any school that has a majority
22 of its students scoring one or more grade levels below the
23 prescribed norm on the state-adopted student assessments or
24 any school designated as a priority school by the state
25 superintendent.

26 (8) PUBLIC EDUCATION. Kindergarten through the
27 twelfth grade.

1 (9) SCHOOL IMPROVEMENT SPECIALISTS. Persons
2 designated by the state superintendent with expertise in
3 improving performance in priority schools and providing
4 technical assistance to accomplish improved performance.

5 (10) STATE BOARD. The State Board of Education.

6 (11) STATE SUPERINTENDENT. The State Superintendent
7 of Education.

8 §16-6C-3.

9 The Legislature finds that a true need exists within
10 the state for improving schools identified as priority schools
11 by certain educational accountability measures. In furtherance
12 of this goal, the Legislature strongly endorses the State
13 Department of Education initiative, Rewards and Interventions
14 Plan, and the Alabama Accountability System. It is the intent
15 of the Legislature to promote and support this initiative, and
16 the Legislature recognizes that this initiative should be
17 implemented and funded in legislation. It is further the
18 intent of the Legislature that the elements of this initiative
19 are supported and that every effort is made to utilize
20 appropriations provided herein and otherwise recommended for
21 each of these areas. It shall be incumbent upon and the
22 responsibility of each local educational agency, local
23 superintendent of education, principal, and teacher to support
24 the implementation of the program.

25 §16-6C-4.

26 The initiative for improving education shall be
27 implemented subject to sufficient appropriations as provided

1 for herein or as provided for in any other appropriation
2 legislation for public education in the state. The program
3 shall include, but not be limited to, all of the following:

4 (1) The establishment of the Jobs and Education
5 Reform Commission.

6 (2) The development of a comprehensive plan for
7 improving priority schools.

8 §16-6C-5.

9 (a) There is created the Jobs and Education Reform
10 Commission. The commission shall be composed of the Governor,
11 the state superintendent, the President of the Alabama
12 Parent-Teacher Association, the Executive Director of the
13 Alabama Education Association, the Executive Director of the
14 School Superintendents of Alabama, the President of the
15 Alabama Education Association, the Executive Director of the
16 Alabama Council of School Administrators and Supervisors, the
17 Chancellor of Postsecondary Education, one member who shall be
18 a business person appointed by the Governor upon the
19 recommendation of Manufacture Alabama, one member of the
20 Senate appointed by the Senate President Pro Tempore, one
21 member of the House of Representatives appointed by the
22 Speaker of the House of Representatives, and three members
23 appointed by the state superintendent as hereinafter provided.
24 The membership of the commission shall be inclusive and
25 reflect the racial, gender, geographic, urban/rural, and
26 economic diversity of the state. The appointing authority
27 shall appoint the designated members within 90 days after the

1 passage of this chapter. Members by virtue of their positions
2 shall serve on the commission as long as they serve in their
3 respective positions. Appointed members shall serve at the
4 pleasure of the appointing authority. Vacancies shall be
5 filled in the same manner as the original appointments were
6 made.

7 §16-6C-6.

8 (a) The state superintendent shall designate one
9 member of the commission as the chair. The chair shall call
10 the meetings of the commission.

11 (b) The commission may hold meetings as the
12 commission deems necessary. The commission shall adopt rules
13 for its organization in the conduct of its business. A
14 majority of the members of the commission shall constitute a
15 quorum for the conduct of the business of the commission.

16 (c) Members of the commission shall receive the same
17 per diem and travel expenses allowed by law for state officers
18 and employees while engaged in the performance of their
19 duties.

20 (d) The commission may employ staff as necessary to
21 assist the commission in performing the duties required by
22 this chapter. The number of employees, their compensation, and
23 the other expenditures of the commission shall be within the
24 limits and in compliance with the appropriation made therefore
25 by the Legislature and within budgets that shall be approved
26 from time to time by the commission.

27 §16-6C-7.

1 (a) The commission may study all levels of public
2 education and shall monitor the incorporation of educational
3 reform legislation into existing school programs. Existing
4 school programs recognized statewide and nationwide for making
5 a significant impact on student achievement include all of the
6 following:

7 (1) The Alabama Math, Science, Technology Initiative
8 (AMSTI).

9 (2) The Alabama Reading Initiative (ARI).

10 (3) The National Board for Professional Teaching
11 Standards (NBPTS).

12 (4) Career and Technical Education.

13 (5) Alabama Connecting Classrooms, Educators, and
14 Students Statewide (ACCESS).

15 (6) The Alabama Learning Exchange (ALEX).

16 (7) Technology in Motion (TiM).

17 (8) Advanced placement (AP) courses.

18 (9) FIRST CHOICE.

19 (b) The commission shall also serve in an advisory
20 capacity to the Governor and the Legislature in respect to all
21 existing and future reform legislation and means of funding
22 any related programs. One year after August 30, 2012, and each
23 year thereafter, the commission shall make an annual report to
24 the Governor and to the Legislature. Upon the request of
25 either the Governor or the Legislature, additional reports may
26 be made by the commission at any time. The commission shall be
27 dissolved at the end of three years unless otherwise continued

1 by joint resolution of the Legislature. It is the expressed
2 intent of the Legislature that the commission not duplicate
3 any responsibilities of the state board.

4 §16-6C-8.

5 In addition, but not limited to the powers and
6 duties otherwise specified in this chapter, the commission
7 shall study and make recommendations to the Governor and the
8 Legislature concerning all of the following duties:

9 (1) Mechanisms for increasing financial support of
10 public education.

11 (2) The state funding formula, including
12 consideration of incentive plans to increase local support.

13 (3) Capital outlay needs of public education in the
14 state.

15 (4) The development of summer programs for public
16 school students.

17 (5) Reading, mathematics, science, and other
18 critical needs areas.

19 (6) The funding of professional development to
20 support teaching excellence.

21 §16-6C-9.

22 (a) Priority student strategy. The superintendent of
23 the local educational agency, along with the staff of each
24 school, shall develop a program and an electronic improvement
25 plan for success at each school for priority students, or
26 students performing below the standards set by the state
27 board. The standards shall include the results of the required

1 assessment program adopted by the state board with emphasis on
2 students who are found to be at one or more grade levels below
3 the prescribed norm.

4 (b) Priority school strategy. The state board shall
5 develop an assistance program for priority schools in need of
6 assistance. A priority school in need of assistance shall mean
7 any school which has a majority of its students scoring one or
8 more grade levels below the prescribed norm on the
9 state-adopted student assessments or any school designated as
10 a priority school by the state superintendent. Local
11 superintendents and local educational agencies shall be
12 expected to make the effort and commit the resources necessary
13 to improve the instructional programs for a school in need of
14 assistance and shall be required to budget all funds earned by
15 that school in the cost calculations of the Foundation Program
16 in support of school improvement. Local superintendents and
17 local educational agencies are encouraged to use assistance
18 from the State Department of Education, colleges of education,
19 accrediting agencies, and other sources.

20 (c) The plan of the state board for an assistance
21 program shall consist of all of the following components:

22 (1) The faculty and staff of each priority school in
23 need of assistance shall engage in a self-study to examine the
24 problem of low achievement within that school and shall
25 develop steps which may be taken to improve student
26 achievement. Parents of students in those schools shall be
27 consulted as part of this self-study.

1 (2) If, after one year, student achievement has not
2 improved, the state superintendent shall designate a team of
3 practicing professionals to visit the school, conduct a study,
4 consult with parents of students in the school, analyze causes
5 of poor student achievement, and make specific recommendations
6 which shall become a part of a school improvement plan for the
7 succeeding year.

8 (3) As a final step, when insufficient or no
9 improvement as determined by the state board is evident from
10 the implementation of subdivisions (1) and (2), the state
11 superintendent shall intervene and place the priority school
12 in the transformation model. This means, among other actions
13 determined necessary by the state superintendent, the
14 appointment of a person or persons to run the day-to-day
15 operation of the school. In considering intervention, the
16 state board shall consider factors that may have affected the
17 ability of the school to reach the prescribed norm test score.
18 Factors shall include graduation rates, dropout rates,
19 attendance rates, special education enrollment, and any other
20 data necessary to interpret student achievement properly in
21 each school.

22 (d) Local educational agency strategy. The state
23 board shall develop an assistance program for a local
24 educational agency identified as being a priority school
25 system in need of assistance. A priority school system in need
26 of assistance shall mean any local educational agency that has
27 a majority of its schools, or a majority of the students in a

1 system, in which the students are scoring one or more grade
2 levels below the prescribed norm. The state board shall
3 require a local educational agency in need of assistance to do
4 all of the following:

5 (1) The local educational agency and the local
6 superintendent, with input from other administrators,
7 teachers, staff, parents of students in the school, and the
8 local community, shall engage in a self-study to examine the
9 problem of low achievement within the system and to develop
10 steps which may be taken to improve student achievement.

11 (2) If, after one year, student achievement has not
12 improved, the state superintendent shall develop a system-wide
13 school improvement plan in consultation with teachers, parents
14 of students in the school, and the local community. This
15 school improvement plan shall become a part of the program and
16 financial operations of the local educational agency for the
17 succeeding year.

18 (3) If, after the implementation of the school
19 improvement plan, student achievement has not sufficiently
20 improved, relative to the performance of the previous year,
21 the state board shall require the state superintendent to
22 intervene and place the school or local educational agency,
23 whichever the case may be, in the transformation model. This
24 means, among other actions determined necessary by the state
25 superintendent, the assumption of the direct management and
26 day-to-day operation of the local school or local educational
27 agency for such period of time as may be necessary for student

1 achievement to improve. In considering intervention, the state
2 board shall consider factors that may have affected the
3 prescribed norm test score. Factors shall include graduation
4 rates, dropout rates, attendance rates, special education
5 enrollment, and any other data necessary to interpret student
6 achievement properly in each system.

7 (e) It is the intent of the Legislature that
8 intervention is not to occur when a school or local
9 educational agency scores below the prescribed average.
10 Intervention by the state board is to occur only after the
11 period provided in this chapter during which a school or local
12 educational agency fails to show improvement. So long as
13 improvement is being shown, the state board may not intervene
14 but shall continue to encourage and support improvement of the
15 school.

16 (f) The Alabama torchbearer school model, a
17 well-documented model for transforming schools, shall be
18 utilized. The instructional strategies, parental support and
19 involvement, resources, and embedded, sustained professional
20 development of the model, shall be applied to all persistently
21 underperforming schools known as priority schools.

22 §16-6C-10.

23 (a) Local superintendents of education shall prepare
24 for the local educational agencies, annual budgets and
25 financial statements, monthly financial reports, and other
26 related documents for review and approval, as required by the
27 State Department of Education and state law. Following the

1 analysis of the financial integrity of each local educational
2 agency as provided in subsection (a) or subsection (b) of
3 Section 16-13A-2, if a local educational agency is determined
4 to have submitted fiscally unsound financial reports, the
5 State Department of Education shall provide assistance and
6 advice. If during the assistance the state superintendent
7 determines that the local educational agency is in an unsound
8 fiscal position, a person or persons shall be appointed by the
9 state superintendent to advise the day-to-day financial
10 operations of the local educational agency. If after a
11 reasonable period of time the state superintendent determines
12 that the local educational agency is still in an unsound
13 fiscal condition, a request shall be made to the state board
14 for the direct control of the fiscal operation of the local
15 educational agency. If the request is granted, the state
16 superintendent shall present to the state board a proposal for
17 the implementation of management controls necessary to restore
18 the local educational agency to a sound financial condition.
19 Upon approval by the state board, the state superintendent
20 shall appoint an individual to be chief financial officer to
21 manage the fiscal operation of the local educational agency,
22 until such time as the fiscal condition of the system is
23 restored. The chief financial officer shall perform his or her
24 duties in accordance with rules and regulations established by
25 the state board in concert with applicable state law. Any
26 person appointed by the state superintendent to serve as chief
27 financial officer to manage the fiscal operation of a local

1 educational agency shall be required to give bond with a
2 surety company authorized to do business in Alabama and shall
3 not be required to receive approval of the local
4 superintendent to expend monies.

5 (b) The chief financial officer shall serve at the
6 pleasure and under the direction of the state superintendent.
7 The state superintendent, directly or indirectly through the
8 chief financial officer, may direct or approve such actions as
9 may in his or her judgment be necessary to do all of the
10 following:

11 (1) Prevent further deterioration in the financial
12 condition of the local educational agency.

13 (2) Restore the local educational agency to
14 financial stability.

15 (3) Enforce compliance with statutory, regulatory,
16 or other binding legal standards or requirements relating to
17 the fiscal operation of the local educational agency.

18 (c) The state superintendent shall oversee the
19 financial integrity of local educational agencies and shall
20 appoint a Chief Education Financial Officer.

21 (1) The Chief Education Financial Officer shall be
22 responsible for the collection and analysis of financial
23 reports and other related documents required to assess the
24 financial integrity of local educational agencies.

25 (2) The Chief Education Financial Officer shall
26 prepare reports on the financial integrity of local
27 educational agencies.

1 (3) The Chief Education Financial Officer shall
2 assist local educational agencies that are experiencing
3 deteriorating financial positions.

4 (4) The Chief Education Financial Officer shall be
5 bonded in the amount of one hundred thousand dollars
6 (\$100,000).

7 (d) Unsound financial condition alert and
8 assistance. The State Department of Education shall provide
9 assistance and advice if an analysis of the financial
10 integrity of a local educational agency determines the
11 financial reports are fiscally unsound.

12 (e) Unsound financial condition continuous
13 assistance. If, during the assistance the state superintendent
14 determines the local educational agency is in an unsound
15 financial condition, the state superintendent shall appoint a
16 person to provide onsite continuous advice on the day-to-day
17 financial operations of the local educational agency.

18 (f) Unsound financial condition intervention. If,
19 after a reasonable period of onsite continuous assistance, a
20 local educational agency remains in an unsound financial
21 condition, the state superintendent shall request approval by
22 the state board to have direct control of the fiscal operation
23 of the local educational agency. If the request is approved,
24 the state superintendent shall present to the state board a
25 proposal for the implementation of management controls
26 necessary to restore the local educational agency to a sound
27 financial condition. Upon the approval of the state board, the

1 state superintendent shall appoint a chief financial officer
2 to manage the financial operations of the local educational
3 agency, until the fiscal condition of the local educational
4 agency is restored.

5 (1) The chief financial officer shall have the right
6 of approval of every action affecting the expenditure of
7 funds.

8 (2) The chief financial officer shall be bonded and
9 is not required to have approval of the local superintendent
10 in the control of the funds of the local educational agency.

11 (3) The state superintendent may review decisions of
12 the chief financial officer and the local educational agency.

13 (4) The chief financial officer shall assume the
14 duties established for local superintendents of education
15 relating to fiscal operations of local educational agencies
16 pursuant to applicable Alabama law, rules of the state board,
17 and other requirements such as federal regulations, opinions
18 of the Alabama Attorney General, opinions of the Department of
19 Examiners of Public Accounts, and interpretations by the state
20 superintendent.

21 (5) The state superintendent may direct and approve
22 actions:

23 a. To prevent further deterioration in the financial
24 condition of the local educational agency.

25 b. To restore the local educational agency to
26 financial stability.

1 c. To enforce compliance with statutory, regulatory,
2 and other financial standards and requirements.

3 (g) Nothing in Chapter 13A or this section shall be
4 construed to deprive any employee of any procedural or
5 substantive right that would otherwise be guaranteed to the
6 employee under the United States Constitution and the laws of
7 this state.

8 §16-6C-11.

9 (a) In addition to providing quality instruction in
10 classrooms and fiscal soundness, all local educational
11 agencies shall be accountable for compliance with statutes and
12 rules regarding school safety and discipline. The State
13 Department of Education shall send to all local educational
14 agencies and all local superintendents of education, on or
15 before August 1 of each year, a manual containing all acts of
16 the Legislature and all rules promulgated by the state board
17 that pertain to school safety and discipline. Within 30 days
18 after receipt of this manual, each local educational agency
19 shall provide to the state board a report, in the form
20 prescribed by the State Department of Education, describing
21 compliance by the local educational agency with the acts and
22 rules. If a local educational agency is determined by the
23 state board to have failed to comply in any material respect
24 with the acts or rules, the State Department of Education
25 shall provide assistance to obtain compliance. If, after one
26 year, the state board determines that a local educational
27 agency refuses or fails to come into compliance with the acts

1 and rules, the state superintendent shall intervene in and
2 assume the direct management and day-to-day operation of the
3 local educational agency for such period of time as the state
4 board deems necessary to bring the local educational agency
5 into compliance with the acts and rules.

6 (b) School safety and discipline accountability. The
7 state board shall utilize one or both of the following
8 criteria to determine if intervention by the state
9 superintendent is necessary as required by Section 16-6B-5.

10 (1) Failure of a school or local educational agency
11 to develop and implement the policies, rules, and laws
12 relative to school safety and discipline as published and
13 disseminated annually by the state superintendent.

14 (2) Failure of a school or local educational agency
15 to respond to legitimate and documented school safety and
16 discipline concerns or incidents, or both, as determined by
17 the state superintendent after investigating the concerns or
18 incidents. The state superintendent shall investigate the
19 following requests or incidents, or both, to determine if
20 assignment of State Department of Education personnel to a
21 school or local educational agency for school safety and
22 discipline assistance is warranted:

23 a. A written request by official action of any of
24 the following:

25 1. A local parent or professional or community
26 organization.

1 2. A majority of the employees of a school or local
2 educational agency to the state superintendent with evidence
3 that a request was first submitted to the school principal.

4 3. The local superintendent.

5 4. The local educational agency relative to specific
6 school safety and discipline issues and no action was taken or
7 action was inadequate as determined by the state
8 superintendent.

9 b. A written request by official action of a school
10 sanctioned student organization to the state superintendent
11 with evidence that a request was first submitted to the school
12 principal; second, the local superintendent; and third, the
13 local educational agency relative to specific school safety
14 and discipline issues and no action was taken or action was
15 inadequate as determined by the state superintendent.

16 c. A written request by a local school principal
17 with evidence that a request was first submitted to the local
18 school superintendent and next, to the local educational
19 agency, relative to specific school safety and discipline
20 issues and no action was taken or action was inadequate as
21 determined by the state superintendent.

22 d. An official request by a local superintendent of
23 education.

24 e. An official request by a majority vote of a local
25 educational agency.

26 f. A person is killed or seriously injured at school
27 or a school related activity as a result of a violent act.

1 §16-6C-12.

2 Management of a school or local educational agency
3 occasioned by state intervention based on student achievement
4 or financial instability shall continue until such time as
5 either condition improves to an acceptable standard as
6 determined by the state superintendent. The local educational
7 agency may petition the state board for release from state
8 intervention by showing acceptable improvement in achievement,
9 acceptable improvement on financial stability, safety, and
10 discipline, or for other just cause for such release. The
11 state board, following a hearing, shall have final
12 determination on the matter of release from state
13 intervention.

14 §16-6C-13.

15 (a) The local educational agency shall prepare an
16 annual accountability report for each school and area career
17 and technical center under its jurisdiction, and for itself,
18 to be provided to the public under rules promulgated by the
19 state board. Such accountability reports shall include, but
20 not be limited to, all of the following:

21 (1) A funding and expenditure report which shall
22 include the amount of Foundation Program funds or career and
23 technical education funds, or both, earned and all funds
24 expended, and any other data deemed necessary by the local
25 educational agency or the state board to inform the public
26 about the financial status of each school.

1 (2) A student achievement report which shall include
2 a comparison of the immediately previous school year with the
3 previous five years regarding student performance on testing
4 required by the state board, dropout rates, attendance rates,
5 graduation rates, college attendance, and any other data
6 deemed necessary by the local educational agency or the state
7 board to inform the public about student achievement in each
8 school.

9 (3) A school safety and discipline report which
10 shall include statistical information relating to student
11 safety and discipline in each school and any other data deemed
12 necessary by the local educational agency or the state board
13 to inform the public about safety and discipline in each
14 school.

15 (b) These reports shall be released to the media and
16 presented to parent organizations, members of the Legislature
17 who represent the schools covered in each report, and the
18 state superintendent. These reports shall be made available to
19 the public, upon request, on or before 90 days after the end
20 of the fiscal year.

21 (c) The guardian of each student shall attend two
22 guardian-teacher meetings per year to discuss the academic and
23 career progress of the student and two school safety and
24 nutrition meetings per year conducted by school support
25 professionals.

26 §16-6C-14.

1 (a) Flexibility in elementary and secondary
2 education is often necessary to increase the possibility of a
3 successful outcome for students. The state superintendent
4 shall recommend and the state board may approve, school by
5 school or system by system as the case may be, waiver or
6 variance requests relating to specifically identified state
7 statutes, rules, regulations, policies, and procedures, or
8 provisions of this title, upon the written request of a school
9 or local educational agency. The goal for each waiver and
10 variance shall be the improvement of student performance. The
11 state board may not waive or approve variances for any
12 federal, state, or local rule, regulation, court order, or
13 statute relating to civil rights, insurance, retirement, the
14 state salary schedule, the compensation of education
15 employees, tenure and employment rights, state fiscal
16 allocations and appropriations for education personnel, the
17 protection of the physical health and safety of school
18 students, employees, and visitors, conflicting interest
19 transactions, the prevention of unlawful conduct, any law
20 relating to unlawful conduct in or near a public school, or
21 any reporting requirement.

22 (b) A local educational agency that has received a
23 waiver or variance shall remain subject to all other statute,
24 rule, regulation, policy, or procedure not specifically
25 detailed in the waiver or variance. In no instance shall any
26 school or local educational agency be allowed to charge
27 students tuition or fees, and the school shall remain open to

1 enrollment in the same manner as before the waiver request.
2 Intradistrict enrollment flexibility may be authorized by the
3 state superintendent.

4 (c) Local educational agencies may exercise
5 flexibility among line item expenditures, except a local
6 educational agency may not create a reduction of earned
7 teacher units, local educational agency support personnel, or
8 classroom supply funds.

9 Section 2. Sections 16-37-3, 16-37-4, 16-37-5,
10 16-37-6, and 16-37-8 of the Code of Alabama 1975, are amended
11 to read as follows:

12 "§16-37-3.

13 "The State Superintendent of Education shall
14 designate, by and with the advice and consent of the State
15 Board of Education, such assistants as may be necessary to
16 properly carry out the provisions of this chapter. The State
17 Superintendent of Education shall also carry into effect such
18 rules and regulations as the State Board of Education may
19 adopt and shall prepare such reports concerning the condition
20 of ~~vocational~~ career and technical education in the state as
21 the State Board of Education may require.

22 "§16-37-4.

23 "The State Board of Education shall have all
24 necessary authority to cooperate with the federal Department
25 of Health, Education and Welfare in the administration of the
26 act of Congress accepted in Section 16-37-1; to administer any
27 legislation pursuant thereto enacted by the State of Alabama

1 and to administer the funds provided by the federal government
2 and the State of Alabama, under the provisions of this
3 chapter, for the promotion of ~~vocational~~ career and technical
4 education in agricultural ~~subjects,~~ trade, and industrial,
5 ~~subjects~~ and ~~home economics~~ family and consumer sciences
6 subjects. It shall have full authority to formulate plans for
7 the promotion of ~~vocational~~ career and technical education in
8 such subjects as an essential and integral part of the public
9 school system of education in the State of Alabama and to
10 provide for the preparation of teachers of such subjects. It
11 shall have authority to fix the compensation of such officials
12 and assistants as may be necessary to administer the federal
13 act and this chapter for the State of Alabama, and to pay such
14 compensation and other necessary expenses of administration
15 from funds appropriated in this chapter. It shall have
16 authority to make studies and investigations relating to
17 ~~vocational~~ career and technical education in such subjects; to
18 promote and aid in the establishment by local communities of
19 schools, departments or classes giving training in such
20 subjects; to cooperate with local communities in the
21 maintenance of such schools, departments or classes; to
22 prescribe qualifications for the teachers, directors and
23 supervisors of such subjects, and to have full authority to
24 provide for the certification of such teachers, directors and
25 supervisors; to cooperate in the maintenance of classes
26 supported and controlled by the public for the preparation of
27 teachers, directors and supervisors of such subjects or to

1 maintain such classes under its own direction and control; to
2 establish and determine by general regulations the
3 qualifications to be possessed by persons engaged in the
4 training of ~~vocational~~ career and technical teachers.

5 "§16-37-5.

6 "The board of education of any county or of any city
7 having a city board of education may cooperate with the State
8 Board of Education in the establishment of ~~vocational~~ career
9 and technical education schools or classes giving instructions
10 in agricultural ~~subjects, in trade, or industrial subjects,~~ or
11 in ~~home economics~~ family and consumer sciences subjects and
12 may use any moneys raised by public taxation in the same
13 manner as moneys for other school purposes are used for the
14 maintenance and support of public schools.

15 "§16-37-6.

16 "The State Board of Education in its annual report
17 to the Governor shall set forth the condition of ~~vocational~~
18 career and technical education in the State of Alabama, a list
19 of the schools to which federal and state aid has been given
20 and a detailed statement of the expenditures of federal and
21 the state funds provided for the purposes of this chapter.

22 "§16-37-8.

23 "(a) In order to further develop the human and
24 natural resources of this state and to correlate and make
25 available information and training in local communities for
26 instruction in such subjects as mechanics, ~~home economics~~
27 family and consumer sciences, industrial, livestock, poultry,

1 horticulture, farming and dairying, and to provide exhibits of
2 an educational and cultural nature, and to provide for
3 lectures, extension courses from the state universities and
4 colleges or other sources, the various city or counties or
5 cities and county boards of education are hereby authorized to
6 create ~~vocational~~ career and technical education high schools.

7 "(b) Any city or county board of education, or any
8 combinations of city or county boards of education are hereby
9 authorized by agreement to jointly or severally contract for
10 the erection, maintenance and operation of ~~vocational~~ career
11 and technical education high schools and to contract for the
12 construction by each for such sums as said boards may agree
13 for ~~said~~ the erection, maintenance and operation. Any such
14 contracts shall be subject to approval by the State Board of
15 Education.

16 "(c) The governing body of any city or county shall
17 have the authority to contribute to the erection, maintenance
18 and operation of any ~~vocational~~ career and technical education
19 high school created under the provisions of this section.

20 "(d) The governing body of any such school shall be
21 authorized to receive any gift or donation or any
22 appropriation from any source, including federal, state,
23 county or municipality, and to comply with the provisions of
24 any federal or state law, rule or regulation in order to
25 receive funds therefrom, and to contract or comply with any
26 such law, rule or regulation in order to be entitled to
27 receive any such funds.

1 "(e) No tuition shall be charged to resident pupils
2 of the areas of the cooperating boards of education.

3 "(f) The agreement providing for the erection,
4 maintenance and operation of any such ~~vocational~~ career and
5 technical education high school shall provide for a staff,
6 together with provisions for its appointment, removal and its
7 powers, duties and authority; provided, that the same shall
8 not conflict with the provisions hereof, or with the laws
9 regulating the operation of public schools in the State of
10 Alabama. The said agreement shall also provide for an advisory
11 board, composed of one or more members of each cooperating
12 board of education selected by that board, together with its
13 powers and duties."

14 Section 3. Sections 16-37-8.1, 16-37-8.2, 16-37-8.3,
15 and 16-37-8.4 are added to the Code of Alabama 1975, to read
16 as follows:

17 §16-37-8.1.

18 (a) The Legislature finds and declares all of the
19 following:

20 (1) The long term prosperity of the state depends on
21 supporting an education system that is designed to prepare
22 students for a global economy.

23 (2) Education reform is a continuous and
24 comprehensive process that should focus on linking all facets
25 of the educational system. In analyzing educational support
26 facets, it is further affirmed that organizational structure
27 and governance, decision making, allocation of human,

1 material, spatial, equipment, and fiscal resources, teacher
2 preparation, and teacher development should be linked. The
3 Jobs and Education Reform Act of 2012 provides for the linkage
4 of these facets for the purpose of comprehensive and
5 sustainable reform.

6 (3) In today's competitive workforce, legislation
7 outlined in the Jobs and Education Reform Act of 2012 provides
8 for funding that supports and sustains professional
9 development for teachers, administrators, and instructional
10 support personnel and continuing education for parents.

11 (4) High school students and parents should
12 understand that they have options for career pathway programs
13 of study that join a college-ready academic core with quality
14 career, technical, and agricultural education studies that
15 result in a high school diploma and preparation for success in
16 advanced training, an associate's degree, a baccalaureate
17 degree, and a career.

18 (5) Each local educational agency should provide
19 every student with choices that are academically rigorous and
20 aligned to opportunities in high demand, high skill, and high
21 wage career fields and to postsecondary career and technical
22 pathways leading to advanced credentials or degrees. The
23 support of partnerships among postsecondary and higher
24 education institutions, business-industry, and faith-based
25 organizations should be developed with K-12 education in order
26 to provide the multitude of choices needed in the provision of
27 a world class curriculum.

1 (6) The state board and the boards of trustees of
2 the colleges and universities in the state should work
3 together to ensure that academic courses that are embedded
4 within career, technical, and agricultural education courses
5 are given appropriate academic credit at the high school level
6 and recognized at the postsecondary level.

7 (7) Teachers should be provided embedded and
8 sustainable professional development opportunities that
9 enforce the academically rigorous standards in relevant,
10 project-based course work.

11 (8) High school students should clearly understand
12 the options for dual high school and postsecondary credit, and
13 the state should properly fund these options.

14 (9) Every state education agency, postsecondary
15 institution, and local educational agency should provide all
16 high school students with opportunities for accelerated
17 learning through dual credit course work leading to a minimum
18 of six postsecondary credits and have as a collective goal to
19 graduate every student with postsecondary credit.

20 (10) Strategic industries in the state should be
21 partners in the public secondary and postsecondary education
22 system so that they are assured that our high school graduates
23 are prepared for success in the workforce. Four industry
24 representatives from four different industrial sectors shall
25 be appointed by the President of Manufacture Alabama and shall
26 be included in continued implementation or modification

1 concerning career technical curriculum and certification
2 requirements on a quarterly basis.

3 (11) The public education system in the state should
4 incorporate many different types of assessments and
5 certificates into their programs so that the skill level of a
6 student is assessed and that the assessment has meaning to the
7 student for postsecondary and career success.

8 (12) Students in the state should understand that a
9 high school diploma and some form of postsecondary credential
10 are key to success in the workforce and earning a family
11 living wage.

12 (13) Textbooks and other primary sources for
13 instructional content should be provided every student in
14 print or digital format for every course on an annual basis.

15 (b) The state board, working with the boards of
16 trustees of the colleges and universities in the state and
17 career technical and adult education, shall establish college
18 and career readiness competency standards in reading, writing,
19 and mathematics aligned with the core curriculum adopted by
20 the state board pursuant to subsection (a), with the level of
21 performance necessary to satisfy college readiness standards
22 in the technical colleges, community colleges, state colleges
23 and universities of the state and in other advanced training
24 programs.

25 (c) The state board shall require postsecondary
26 institutions to accept core curriculum course work completed
27 by high school students for purposes of admission into the

1 institutions. This section shall apply beginning with students
2 entering postsecondary institutions in the fall of 2012.

3 §16-37-8.2.

4 (a) Flexibility provisions that are outlined in the
5 state board Resolution for Innovation School Systems, dated
6 May 27, 2010, shall be supported with adequate funding from
7 the Legislature and technical assistance from the State
8 Department of Education to ensure cutting edge reform
9 impacting student achievement.

10 (b) The Jobs and Education Reform Act of 2012
11 supports the following reform initiatives for increasing
12 student achievement and graduation rates. Further, the Jobs
13 and Education Reform Act of 2012 establishes the flexibility
14 of the local educational agency to make instructional
15 decisions in the best interest of students served in order to
16 produce students for a global economy. These provisions
17 include, but are not limited to, all of the following
18 scientifically based innovations for increased student
19 achievement and educational reform:

20 (1) Mandatory prekindergarten.

21 (2) Alternative or year round academic schedules.

22 (3) Expansion in the number of arts, health, and
23 physical education courses offered.

24 (4) Required continuing education for parents.

25 (5) Flexible schedules for collaboration between
26 elementary and secondary teachers for the purposes of
27 curriculum development.

1 (6) Flexible schedules for collaboration between
2 secondary, postsecondary, and higher education for the
3 purposes of curriculum development.

4 §16-37-8.3.

5 (a) There is created an advisory council to develop
6 and monitor a five-year rolling strategic plan for PreK-20
7 education that helps align the supply and demand of the
8 Alabama workforce.

9 (1) The council shall be comprised of the following
10 members:

11 a. The State Superintendent of Education.

12 b. Members representing a cross section of business
13 leaders from each of the 16 clusters, which shall include, at
14 a minimum, four small business leaders.

15 c. Fourteen elected educator representatives, two
16 from each congressional district in the state, representing
17 each of the following:

18 1. Ten members from K-12.

19 2. Two members from postsecondary education.

20 3. Two members from higher education.

21 d. One economic development representative selected
22 by the Economic Development Partnership of Alabama.

23 e. One member of the state board.

24 f. One at-large representative appointed by the
25 Governor.

26 g. One member of the House of Representatives,
27 appointed by the Speaker of the House of Representatives.

1 h. One member from the Senate, appointed by the
2 Senate President Pro Tempore.

3 (b) The state level council shall encourage the
4 creation of councils at the regional and local level, to be
5 known as regional workforce development councils.

6 (c) Regional workforce development councils.
7 Regional workforce development councils, with assistance from
8 local chambers of commerce or other appropriate business
9 membership groups, should encourage rapid rollout of the
10 Alabama Scholars program, provide active support of student
11 organizations such as Future Business Leaders of Alabama, and
12 create career awareness through activities provided through
13 private business and classroom presentations.

14 (d) Local partnerships and advisory councils. Active
15 local partnerships between businesses and education should be
16 established to increase career awareness and development,
17 improve local business and industry commitment to career
18 development and exploration, and provide financial support
19 locally.

20 (e) Consolidation of local K-12 and postsecondary
21 business advisory councils in order to leverage resources such
22 as facilities, equipment, instructors, and funding and to help
23 align courses at the local secondary and postsecondary
24 institutions with employer needs. This can be accomplished
25 through articulation agreements and dual enrollments.

26 (f) In order to increase the graduation and
27 retention rates, every student should be enrolled in a career

1 pathway developed in the 8th grade and should take at least
2 two sequenced career and technical education courses in order
3 to prepare for careers in the workforce.

4 (g) Funding for career and technical education shall
5 be provided as a part of the operation and maintenance funding
6 in the Foundation Program and shall be funded per technical
7 program teacher.

8 §16-37-8.4.

9 All public school counselors shall dedicate at least
10 50 percent of their working time to college or career, or
11 both, counseling, and 10 percent of their working time shall
12 be dedicated to career and technical education counseling. If
13 possible and practical, counseling should be coordinated with
14 the parent or legal guardian of the student.

15 Section 4. This act shall become effective
16 immediately following its passage and approval by the
17 Governor, or its otherwise becoming law.