

1 HB455
2 127371-6
3 By Representatives Buskey and McClurkin
4 RFD: Education Policy
5 First Read: 05-APR-11

1 "§16-9-11.

2 "(a) A vacancy in the position of county
3 superintendent shall be filled by the county board of
4 education within ~~±20~~ 180 days after such a vacancy occurs.
5 Within 90 days after the occurrence of a vacancy, the county
6 board of education shall announce, in a regularly or specially
7 called meeting, a proposed process and time-line for posting
8 and selecting a superintendent.

9 "(b) In the event such vacancy is not filled by the
10 county board of education within ~~±20~~ 180 days, the state
11 superintendent shall ~~fill such vacancy by appointment. The~~
12 ~~appointee shall hold office for the unexpired term. Term, as~~
13 ~~used in this section, includes, in addition to those terms the~~
14 ~~beginning and ending of which are fixed definitely by the law,~~
15 ~~terms fixed by the county board of education, in which latter~~
16 ~~case the unexpired term shall be the balance of the term fixed~~
17 ~~for the last person serving as such officer. When there is~~
18 ~~such vacancy which the state superintendent is authorized to~~
19 ~~fill, and no term has been fixed by the county board of~~
20 ~~education, and no term of definite duration is fixed by law,~~
21 ~~the appointee of the State Superintendent of Education shall~~
22 ~~serve two years from the next succeeding first day of July~~
23 withhold state warrants until the vacancy is filled unless the
24 board, to the satisfaction of the state superintendent,
25 exhibits good faith and reasonable effort in progress toward
26 selecting a superintendent.

1 "(c) Notice of a vacancy in the position of an
2 appointed county superintendent of education shall be posted
3 by the county board of education. The notice shall be posted
4 in a conspicuous place at each school campus and worksite at
5 least 30 calendar days before the position is to be filled.
6 The notice shall remain posted until the position is filled
7 and shall include, but not necessarily be limited to, all of
8 the following:

9 "(1) Job description and title.

10 "(2) Required qualifications.

11 "(3) Salary range.

12 "(4) Information on where to submit an application.

13 "(5) Information on any deadlines for applying.

14 "(6) Any other relevant information.

15 "(d) The board may adopt or continue policies which
16 are not inconsistent with this section. ~~The position shall not
17 be filled during the required posting period, except as herein
18 provided. The posting of a vacancy notice as required in this
19 section shall not be abridged or delayed except in emergency
20 circumstances and then delayed only temporarily in order to
21 reasonably meet the conditions of the emergency. Whenever a
22 vacancy occurs in the position of an appointed county
23 superintendent of education, the county board of education may
24 appoint an interim superintendent to serve for up to 180 days.
25 The interim superintendent shall satisfy the minimum
26 qualifications required for service as a county superintendent~~

1 of education. The county board of education, pertaining only
2 to the posting of the interim superintendent's position, shall
3 not be required to post the position. The adoption of
4 additional policies shall comply with the requirements and
5 procedures of Section 16-1-30.

6 "(e) ~~Violation~~ Substantive, willful violation of the
7 notice requirements of this section shall void any related
8 employment action taken by the board.

9 "§16-12-1.

10 "(a) The city board of education shall appoint a
11 city superintendent of schools to hold office at the pleasure
12 of the board. The city superintendent of schools shall receive
13 such compensation as the city board of education shall direct.
14 The city board of education may remove the city superintendent
15 of schools for incompetency, immorality, misconduct in office,
16 willful neglect of duty, or when, in the opinion of the board,
17 the best interests of the schools require such action.

18 "(b) Within 90 days after the occurrence of a
19 vacancy, the city board of education shall announce, in a
20 regularly or specially called meeting, a proposed process and
21 time-line for posting and selecting a superintendent. Notice
22 of a vacancy in the position of an appointed city
23 superintendent of education shall be posted by the city board
24 of education. The notice shall be posted in a conspicuous
25 place at each school campus and worksite at least 30 calendar
26 days before the position is to be filled. The notice shall

1 remain posted until the position is filled and shall include,
2 but not necessarily be limited to, all of the following:

3 "(1) Job description and title.

4 "(2) Required qualifications.

5 "(3) Salary range.

6 "(4) Information on where to submit an application.

7 "(5) Information on any deadlines for applying.

8 "(6) Any other relevant information.

9 "(c) The board may adopt or continue policies which
10 are not inconsistent with this section. ~~The position shall not~~
11 ~~be filled during the required posting period, except as herein~~
12 ~~provided. The posting of a vacancy notice as required in this~~
13 ~~section shall not be abridged or delayed except in emergency~~
14 ~~circumstances and then delayed only temporarily in order to~~
15 ~~reasonably meet the conditions of the emergency. Whenever a~~
16 vacancy occurs in the position of an appointed city
17 superintendent of education, the city board of education may
18 appoint an interim superintendent to serve for up to 180 days.
19 The interim superintendent shall satisfy the minimum
20 qualifications required for service as a city superintendent
21 of education. The city board of education, pertaining only to
22 the posting of the interim superintendent's position, shall
23 not be required to post the position. The adoption of
24 additional policies shall comply with the requirements and
25 procedures of Section 16-1-30.

1 "(d) A vacancy in the position of city
2 superintendent shall be filled by the board within ~~120~~ 180
3 days after such a vacancy occurs.

4 In the event such vacancy is not filled by the city
5 board of education within 180 days, the state superintendent
6 shall withhold state warrants until the vacancy is filled
7 unless the board, to the satisfaction of the state
8 superintendent, exhibits good faith and reasonable effort in
9 progress toward selecting a superintendent.

10 "(e) ~~Violation~~ Substantive, willful violation of the
11 notice requirements of this section shall void any related
12 employment action taken by the board."

13 Section 2. Although this bill would have as its
14 purpose or effect the requirement of a new or increased
15 expenditure of local funds, the bill is excluded from further
16 requirements and application under Amendment 621, now
17 appearing as Section 111.05 of the Official Recompilation of
18 the Constitution of Alabama of 1901, as amended, because the
19 bill requires expenditures only by a school board.

20 Section 3. This act shall become effective on the
21 first day of the third month following its passage and
22 approval by the Governor, or its otherwise becoming law.

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House of Representatives

Read for the first time and re-
ferred to the House of Representa-
tives committee on Education Policy
..... 05-APR-11

Read for the second time and placed
on the calendar 1 amendment 14-APR-11

Read for the third time and passed
as amended..... 28-APR-11

Yeas 79, Nays 0, Abstains 0

Greg Pappas
Clerk