

1 HB455
2 127371-7
3 By Representatives Buskey and McClurkin
4 RFD: Education Policy
5 First Read: 05-APR-11

1
2 ENROLLED, An Act,

3 Relating to public education; to amend Sections
4 16-9-11 and 16-12-1, Code of Alabama 1975, as amended by Act
5 2010-210, 2010 Regular Session (Acts 2010, p. 332); relating
6 to the posting of notices of vacancies in the positions of
7 appointed county superintendent of education and appointed
8 city superintendent of education; to extend the deadline for
9 the local board of education to fill the position of
10 superintendent from 120 to 180 days and would provide for the
11 appointment of an interim superintendent of education; and in
12 connection therewith to have as its purpose or effect the
13 requirement of a new or increased expenditure of local funds
14 within the meaning of Amendment 621 of the Constitution of
15 Alabama of 1901, now appearing as Section 111.05 of the
16 Official Recompilation of the Constitution of Alabama of 1901,
17 as amended.

18 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

19 Section 1. Sections 16-9-11 and 16-12-1 of the Code
20 of Alabama 1975, as amended by Act 2010-210, 2010 Regular
21 Session (Acts 2010, p. 332), are amended to read as follows:

22 "§16-9-11.

23 "(a) A vacancy in the position of county
24 superintendent shall be filled by the county board of
25 education within ~~120~~ 180 days after such a vacancy occurs.

1 Within 90 days after the occurrence of a vacancy, the county
2 board of education shall announce, in a regularly or specially
3 called meeting, a proposed process and time-line for posting
4 and selecting a superintendent.

5 "(b) In the event such vacancy is not filled by the
6 county board of education within ~~120~~ 180 days, the state
7 superintendent shall ~~fill such vacancy by appointment. The~~
8 ~~appointee shall hold office for the unexpired term. Term, as~~
9 ~~used in this section, includes, in addition to those terms the~~
10 ~~beginning and ending of which are fixed definitely by the law,~~
11 ~~terms fixed by the county board of education, in which latter~~
12 ~~case the unexpired term shall be the balance of the term fixed~~
13 ~~for the last person serving as such officer. When there is~~
14 ~~such vacancy which the state superintendent is authorized to~~
15 ~~fill, and no term has been fixed by the county board of~~
16 ~~education, and no term of definite duration is fixed by law,~~
17 ~~the appointee of the State Superintendent of Education shall~~
18 ~~serve two years from the next succeeding first day of July~~
19 withhold state warrants until the vacancy is filled unless the
20 board, to the satisfaction of the state superintendent,
21 exhibits good faith and reasonable effort in progress toward
22 selecting a superintendent.

23 "(c) Notice of a vacancy in the position of an
24 appointed county superintendent of education shall be posted
25 by the county board of education. The notice shall be posted

1 in a conspicuous place at each school campus and worksite at
 2 least 30 calendar days before the position is to be filled.
 3 The notice shall remain posted until the position is filled
 4 and shall include, but not necessarily be limited to, all of
 5 the following:

6 "(1) Job description and title.

7 "(2) Required qualifications.

8 "(3) Salary range.

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

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

11 "(6) Any other relevant information.

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

1 not be required to post the position. The adoption of
2 additional policies shall comply with the requirements and
3 procedures of Section 16-1-30.

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

7 "§16-12-1.

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

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

