

1 SB438  
2 159757-1  
3 By Senator Beason (Constitutional Amendment)  
4 RFD: Education  
5 First Read: 05-MAR-14

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

11 This bill would propose an amendment to the  
12 Constitution of Alabama of 1901, to provide for the  
13 election of the State Superintendent of Education.

14  
15 A BILL  
16 TO BE ENTITLED  
17 AN ACT

18  
19 To amend Amendment 284 to the Constitution of  
20 Alabama of 1901, relating to the selection of the State  
21 Superintendent of Education; to provide for the election of  
22 the superintendent at the 2016 General Election and every four  
23 years thereafter; to provide for the duration of the term; and  
24 to provide for the filling of a vacancy in the position.

25 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

26 Section 1. The following amendment to the  
27 Constitution of Alabama of 1901, as amended, is proposed and

1 shall become valid as a part thereof when approved by a  
2 majority of the qualified electors voting thereon and in  
3 accordance with Sections 284, 285, and 287 of the Constitution  
4 of Alabama of 1901, as amended:

5 PROPOSED AMENDMENT

6 "Amendment 284.

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

11 "2. The chief state school officer shall be the  
12 ~~state superintendent of education~~ State Superintendent of  
13 Education, who shall be ~~appointed by the state board of~~  
14 ~~education and serve at its pleasure~~ elected on a nonpartisan  
15 ballot at the general election in November 2016, for a term of  
16 four years and, unless otherwise provided by the Legislature,  
17 on a nonpartisan ballot every four years thereafter. The term  
18 of office of the State Superintendent of Education shall  
19 commence and expire at the same time and in the same manner as  
20 is provided for other constitutional officers. A vacancy in  
21 the office of State Superintendent of Education shall be  
22 filled as provided by general law for the filling of vacancies  
23 of other constitutional officers. The authority and duties of  
24 the ~~superintendent of education~~ State Superintendent of  
25 Education shall be determined by the ~~state board of education~~  
26 State Board of Education according to such regulations as the  
27 ~~legislature~~ Legislature may prescribe. The ~~superintendent of~~

1 ~~education~~ State Superintendent of Education shall receive an  
2 annual salary which shall be fixed by the ~~legislature~~  
3 Legislature of Alabama and shall be paid from the ~~state~~  
4 ~~treasury~~ State Treasury in installments as the salaries of  
5 other state officers are paid.

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

9 "4. The provisions of ~~article~~ Article V and XIV of  
10 the Constitution of Alabama as amended in conflict with this  
11 article are expressly repealed. However, this amendment shall  
12 not be so construed as to effect the election or term of the  
13 ~~state superintendent of education~~ State Superintendent of  
14 Education chosen before it becomes valid as a part of the  
15 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 in 2016, and every four years  
4 thereafter.

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

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

8                   "Yes ( ) No ( )."