

1 HB506
2 198863-3
3 By Representatives Estes, Robertson, Brown (C), Easterbrook,
4 Sullivan, Sorrells, Stadthagen, Reynolds, Kitchens, Marques,
5 Shaver, McCutcheon, McMillan, Isbell, Lipscomb and Scott
6 RFD: Education Policy
7 First Read: 25-APR-19

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ENROLLED, An Act,

To amend Section 16-23-3, Code of Alabama 1975, relating to provisional teaching certificates; to extend the length of time for which an urgent certificate is valid from one to two years, with the ability of being renewed once, for a maximum validity of four years; and to make technical corrections to update the language of the amended code sections.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. ~~Sections 16-3-16, 16-23-3, 16-23-16.1, and 16-24C-3~~ Section 16-23-3 of the Code of Alabama 1975, are amended to read as follows:

"§16-3-16.

~~"(a) Subject to the provisions of Chapter 23 of this title, the State Board of Education, through its executive officer, shall prescribe rules and regulations governing the training and the certification of teachers in the public schools of the state, and for the acceptance of the diplomas of the colleges and universities of Alabama, as well as of other states. The State Board of Education, with the advice of the State Superintendent of Education, shall have full power and authority to promulgate and adopt rules and regulations governing the issuance of professional and special,~~

1 ~~alternative, and emergency urgent certificates consistent with~~
2 ~~the provisions of Chapter 23 of this title.~~

3 ~~"(b) Alabama shall use certification by the National~~
4 ~~Boards of Professional Teaching Standards as national~~
5 ~~reciprocity when national certification has been fully~~
6 ~~implemented.~~

7 "§16-23-3.

8 "(a) It is the intent of the Legislature that the
9 State of Alabama shall modify its policies relative to the
10 certification of teachers to permit an expanded alternative
11 certification program for prospective teachers for grades six
12 through 12. In addition to certificates issued pursuant to
13 this chapter to ~~persons~~ individuals graduating from approved
14 teacher education programs, the State Board of Education shall
15 adopt policies, procedures, rules, regulations, and/or
16 standards authorizing an alternative certificate to be issued
17 by the State Superintendent of Education to an individual
18 ~~person~~, regardless of whether ~~such person~~ the individual is a
19 graduate of an approved teacher education program, where the
20 applicant shall:

21 "(1) Hold an earned bachelor's or higher degree from
22 a regionally accredited institution of higher education.

23 "(2) Submit the required application forms and fees
24 and, when required, a separate fingerprint fee, along with
25 fingerprints and release forms.

1 "(3) Be recommended for certification by the
2 employing Alabama local school superintendent or private
3 school administrator.

4 "(4) Be assigned a mentor by the employing
5 superintendent or private school administrator.

6 "(5) Meet the requirements of the Alabama
7 Prospective Teacher Testing Program as set forth by the State
8 Board of Education.

9 "(6) Verify compliance with one of the following
10 admission criteria:

11 "a. That at least 32 semester hours credit, 19 of
12 which ~~must~~ shall be upper division level, have been earned in
13 the field for which certification is sought.

14 "b. An earned bachelor's or higher degree from a
15 regionally accredited institution of higher education with a
16 non-education major in the academic area for which
17 certification is sought.

18 "c. A passing score on the appropriate Praxis II
19 content test of the Alabama Prospective Teacher Testing
20 Program.

21 "(7) Request that an official transcript be sent
22 directly to the employing superintendent or private school
23 administrator.

24 "(b) Any alternative certificate shall be valid for
25 the period of time as shall be set by policies, procedures,

1 rules, regulations, and/or standards which shall be adopted by
2 the State Board of Education but in no event shall such period
3 extend beyond four years from the July 1 beginning date of the
4 initial alternative certificate.

5 "(c) Where ~~a person~~ an individual has received an
6 alternative certificate or certificates and has been employed
7 for three full years by no more than two county or city school
8 boards or private schools while holding alternative
9 certificates, ~~such person~~ an individual may be granted a
10 teaching certificate issued by the State Superintendent of
11 Education pursuant to Section 16-23-1, when:

12 "(1) Approved by the State Superintendent of
13 Education.

14 "(2) Approved according to policies, procedures,
15 rules, regulations, and/or standards which shall be adopted by
16 the State Board of Education. Such policies, procedures,
17 rules, regulations, and/or standards shall require that the
18 recipient of an alternative certificate successfully complete
19 no more than the equivalent of ~~twelve~~ 12 semester hours of
20 college course work in education related courses, as may be
21 determined by the State Board of Education based upon factors
22 such as the recipient's individual educational background,
23 prior to the issuance of a teaching certificate pursuant to
24 Section 16-23-1.

1 "(d) Any ~~person~~ individual granted a teaching
2 certificate issued by the State Superintendent of Education
3 pursuant to Section 16-23-1, following the receipt of an
4 alternative certificate, as herein provided, may be eligible
5 to attain continuing service status pursuant to Chapter 24, of
6 this title. Time served as a teacher pursuant to an
7 alternative certificate shall be counted in determining
8 continuing service status pursuant to Section 16-24-2.

9 "(e) The State Superintendent of Education in cases
10 of emergency when certified teachers, including teachers who
11 may have received alternative certificates pursuant to this
12 section, are not available may grant ~~emergency urgent~~
13 emergency certificates of the different kinds and grades, but
14 any such ~~emergency urgent~~ emergency certificate shall not be
15 valid for a period to exceed ~~one year~~ two years but shall
16 expire at the end of the scholastic year for which it is
17 issued, ~~and such emergency~~ . An urgent, and such emergency
18 certificate ~~shall not~~ may be extended or renewed ~~two times~~
19 once as provided by policies, procedures, rules, regulations,
20 and/or standards adopted by the State Board of Education, for
21 a maximum validity of ~~six~~ four years. Time served as a
22 teacher pursuant to an ~~emergency urgent~~ emergency certificate
23 shall not be counted in determining continuing service status
24 pursuant to Section 16-24-2.

1 ~~"(f) Any alternative certificate issued pursuant to~~
2 ~~this section shall be limited to persons individuals teaching~~
3 ~~grades six through 12; provided, however, that an alternative~~
4 ~~certificate may be issued for persons individuals teaching~~
5 ~~grades kindergarten through eight if limited to the subject~~
6 ~~areas of the fine arts and/or or foreign languages, or both.~~

7 ~~"§16-23-16.1.~~

8 ~~"(a) The Legislature finds that Alabama is alone~~
9 ~~among the southern states in not testing teacher candidates~~
10 ~~before allowing them in the classroom, and acknowledges that~~
11 ~~the need exists to establish, maintain, and enforce minimum~~
12 ~~professional standards for teacher candidates in the State of~~
13 ~~Alabama. In response to such that need, there is hereby~~
14 ~~created a Professional Teachers Standards Commission (the~~
15 ~~commission) for the State of Alabama. The commission shall~~
16 ~~consist of 11 members appointed by the Governor in the~~
17 ~~following manner: The Alabama Congress of Parents and Teachers~~
18 ~~Association, Alabama Association of School Board Association~~
19 ~~Boards, Alabama Council for School Administration and~~
20 ~~Supervision, Alabama Education Association, and the Alabama~~
21 ~~Association of Colleges for Teacher Education shall each~~
22 ~~designate a representative that together shall form a~~
23 ~~nominating committee which shall meet at the call of the~~
24 ~~Governor and submit to him or her a list of 20 names to be~~
25 ~~considered for initial appointment to the commission. All such~~

1 ~~nominees shall have demonstrated experience and ability in the~~
2 ~~science of test development and administration. Such~~ The names
3 ~~shall be submitted to the Governor within 30 days immediately~~
4 ~~following July 23, 1991. If nominations are not received by~~
5 ~~the Governor within such the 30-day period,he the Governor~~
6 ~~shall proceed to make such appointments by the various~~
7 ~~categories as described below from his or her own selection.~~
8 ~~The nominations shall include an appropriate number of names~~
9 ~~to ensure the selection of three practicing elementary~~
10 ~~teachers for (grades kindergarten through five), one~~
11 ~~practicing middle school teacher for (grades six through~~
12 ~~eight), and two practicing secondary teachers for (grades~~
13 ~~nine through 12); two school administrators consisting of one~~
14 ~~school principal and one school superintendent; one member~~
15 ~~from the faculty of a teacher preparation program; and one~~
16 ~~member of a local board of education. In addition to the~~
17 ~~foregoing 10 members, the Governor shall appoint one member~~
18 ~~from his or her own selection, which member shall serve at the~~
19 ~~pleasure of the Governor. Four of the members initially~~
20 ~~appointed shall serve for three years, four shall serve for~~
21 ~~two years, and three shall serve for one year. Thereafter, the~~
22 ~~terms of all members shall be for three years. The Governor~~
23 ~~shall designate at the time of the initial appointments which~~
24 ~~members' terms shall be for one, two, or three years in~~
25 ~~duration. At the expiration of the term of any appointee,~~

1 ~~other than the Governor's discretionary appointee, the~~
2 ~~nominating committee shall recommend to the Governor at least~~
3 ~~two persons individuals for appointment to the position~~
4 ~~created by the expired term. Vacancies occurring on the~~
5 ~~commission shall be filled from the same respective categories~~
6 ~~as described above and the replacement or reappointed~~
7 ~~member(s) member of the commission shall serve for the~~
8 ~~remainder of the unexpired term of his or her predecessor. The~~
9 ~~Governor may reject any name(s) name submitted by the~~
10 ~~nominating committee and in such a case the Governor shall~~
11 ~~call upon the nominating committee to submit additional names~~
12 ~~for the initial appointees or additional names for the filling~~
13 ~~of any vacancy on the commission. No member of the commission~~
14 ~~shall serve more than two full terms.~~

15 ~~"(b) (1) The Legislature recognizes that the~~
16 ~~National Teacher Examination (NTE) or some component thereof~~
17 ~~is utilized as an examination for teacher candidates in 33~~
18 ~~states, including the majority of our surrounding southern~~
19 ~~states. It is therefore the intent of the Legislature that the~~
20 ~~commission select a nationally recognized pre-certification~~
21 ~~examination such as the NTE for initial certification of~~
22 ~~teacher candidates in Alabama. The commission is directed to~~
23 ~~determine the conditions, if any, which must shall be~~
24 ~~satisfied for use of the NTE for the purposes set forth~~
25 ~~herein. The commission is further authorized to may utilize~~

1 ~~all means necessary to comply with such conditions so as to~~
2 ~~allow usage of the NTE as an entry-level pre-certification~~
3 ~~examination for teacher candidates in Alabama, or to otherwise~~
4 ~~promote full implementation of this section.~~

5 ~~"(2) In the event that the commission is prohibited~~
6 ~~from utilizing the NTE, its successor examination, or a~~
7 ~~component of either, for pre-certification, after exhausting~~
8 ~~all available remedies, then the commission is authorized to~~
9 ~~may designate or develop a pre-certification examination.~~
10 ~~Such The examination shall adhere to generally accepted test~~
11 ~~construction methodology and those test construction practices~~
12 ~~reflected in the NTE, and shall permit evaluation of~~
13 ~~functional academic skills of teacher candidates including, but~~
14 ~~not limited to, reading, writing, and mathematics.~~

15 ~~"(c) Any pre-certification examination designated or~~
16 ~~developed pursuant to this section shall be administered by~~
17 ~~the commission to all teacher candidates seeking certification~~
18 ~~for the 1994-95 school year. Candidates must shall demonstrate~~
19 ~~required satisfactory proficiency, as determined by the~~
20 ~~commission from time to time, on such the examination prior to~~
21 ~~before becoming eligible to receive a certificate pursuant to~~
22 ~~this chapter; provided, however, that such satisfactory~~
23 ~~proficiency shall not be required for persons to become~~
24 ~~eligible to receive emergency urgent certificates pursuant to~~
25 ~~Section 16-23-3. Candidates shall have only five opportunities~~

1 ~~to demonstrate the required satisfactory proficiency, and if~~
2 ~~such a candidate fails to demonstrate the required~~
3 ~~satisfactory proficiency in the fifth attempt, such~~
4 ~~thecandidates shall not be eligible for certification in the~~
5 ~~State of Alabama.~~

6 ~~"(d) It is the intent of the Legislature that~~
7 ~~Alabama teacher preparation institutions support the~~
8 ~~performance of their graduates on such pre-certification~~
9 ~~examinations and such that institutions shall be responsible~~
10 ~~for providing remediation without any cost to the student who~~
11 ~~has successfully completed all course requirements for the~~
12 ~~teacher preparation program but has failed the~~
13 ~~pre-certification test. The failure of any institution to~~
14 ~~comply with the provisions of this section shall be grounds~~
15 ~~upon which the institution's rights to prepare teachers may be~~
16 ~~withdrawn. It is the intent of the Legislature that upon the~~
17 ~~designation or development of a pre-certification examination~~
18 ~~for initial certification of teacher candidates, the~~
19 ~~commission shall then proceed to address the improvement of~~
20 ~~standards for teacher preparation programs. As a result of the~~
21 ~~administration of the test and to the extent fewer minorities~~
22 ~~are licensed to teach in Alabama, the commission shall develop~~
23 ~~a remedial plan which will shall be implemented by teacher~~
24 ~~preparation institutions.~~

1 ~~"(e) Scores from the tests required under the~~
2 ~~provisions of The Alabama Education Improvement Act of 1991~~
3 ~~(Acts 1991, No. 91-323) shall be reported to and kept by the~~
4 ~~commission. Scores shall be given to the candidates tested.~~
5 ~~Personally identifiable scores shall not be open or made~~
6 ~~available to the public, but reports may be prepared and~~
7 ~~released by the commission with respect to overall results of~~
8 ~~scores. Reports of scores as authorized herein may be made at~~
9 ~~such a frequency as the commission may deem appropriate.~~

10 ~~"§16-24C-3.~~

11 ~~"For purposes of this chapter, the following terms~~
12 ~~shall have the following meanings:~~

13 ~~"(1) CHIEF EXECUTIVE OFFICER. The chief~~
14 ~~administrative and executive officer of an entity,~~
15 ~~institution, agency, or political subdivision of the state~~
16 ~~that is subject to this chapter and includes, without~~
17 ~~limitation, superintendents of city or county boards of~~
18 ~~education and presidents of two-year educational institutions~~
19 ~~operated under authority and control of the Department of~~
20 ~~Postsecondary Education. The term includes persons individuals~~
21 ~~-serving in such a capacity on an acting or interim basis under~~
22 ~~lawful appointment or by operation of law.~~

23 ~~"(2) CLASSIFIED EMPLOYEE. All adult bus drivers, all~~
24 ~~full-time lunchroom or cafeteria workers, janitors,~~
25 ~~custodians, maintenance personnel, secretaries and clerical~~

1 ~~assistants, instructional aides or assistants, whether or not~~
2 ~~certificated, non-certificated supervisors, and, except as~~
3 ~~hereinafter provided, all other persons individuals who are~~
4 ~~not teachers as defined herein who are full-time employees of~~
5 ~~a city or county board of education, two-year educational~~
6 ~~institutions operated under the authority and control of the~~
7 ~~Department of Postsecondary Education Alabama Community~~
8 ~~College System, the Alabama Institute for Deaf and Blind,~~
9 ~~including production workers at the Alabama Industries for the~~
10 ~~Blind, and educational and correctional institutions under the~~
11 ~~control of the Department of Youth Services. The term does not~~
12 ~~include the employer's chief executive officer, vice~~
13 ~~president, or chief school financial officer. Full-time~~
14 ~~employees include adult bus drivers and other employees whose~~
15 ~~duties require 20 or more hours in each normal working week of~~
16 ~~the school term, excluding holidays that are recognized by the~~
17 ~~employer. Employees who are eligible for coverage under the~~
18 ~~state Merit System are not covered by this chapter. A~~
19 ~~probationary classified employee is a classified employee who~~
20 ~~has not attained nonprobationary status.~~

21 ~~"(3) EMPLOYEE. Unless otherwise specified, and as~~
22 ~~appropriate to the context, the term includes either a teacher~~
23 ~~or a classified employee, or both, whose employment is subject~~
24 ~~to this chapter.~~

1 ~~"(4) EMPLOYER. The entity, institution, agency, or~~
2 ~~political subdivision of the state by which an employee who is~~
3 ~~subject to this chapter is employed. Employers subject to this~~
4 ~~chapter include all city and county boards of education, all~~
5 ~~educational and correctional institutions under the control of~~
6 ~~the Department of Youth Services, the Alabama Institute for~~
7 ~~Deaf and Blind, and two-year educational institutions operated~~
8 ~~under the authority and control of the Department of~~
9 ~~Postsecondary Education Alabama Community College System. Each~~
10 ~~two-year institution operated under the authority and control~~
11 ~~of the Department of Postsecondary Education Alabama Community~~
12 ~~College System is a separate employer for purposes of this~~
13 ~~chapter.~~

14 ~~"(5) GOVERNING BOARD. The body of elected or~~
15 ~~appointed officials that is granted authority by law,~~
16 ~~regulation, or policy to make employment decisions on behalf~~
17 ~~of the employer. If final decision-making authority with~~
18 ~~respect to employment decisions is conferred by law,~~
19 ~~regulation, or duly adopted policy on an official,~~
20 ~~administrator, or organizational unit other than a separate~~
21 ~~governing board, the decision or action of such the official,~~
22 ~~administrator, or organizational unit, including the president~~
23 ~~of a two-year educational institution operated under the~~
24 ~~authority and control of the Department of Postsecondary~~
25 ~~Education Alabama Community College System, is that of the~~

1 ~~governing board for purposes of this chapter, and no~~
2 ~~additional approval of such the decision or action shall be~~
3 ~~required. Under such circumstances, the official,~~
4 ~~administrator, president, or organizational unit shall assume~~
5 ~~and exercise the duties of the governing board established by~~
6 ~~this chapter. For purposes of this chapter, the State Board of~~
7 ~~Education shall not be deemed to be or authorized to function~~
8 ~~as the employer or the governing board of any employer covered~~
9 ~~by this chapter.~~

10 ~~"(6) PROFESSIONAL EDUCATOR'S CERTIFICATE. A~~
11 ~~certificate or license, by whatever name, designation, or~~
12 ~~subclassification known or identified, issued by the State~~
13 ~~Department of Education, or recognized under an approved~~
14 ~~interstate reciprocity program, and that must shall be~~
15 ~~maintained by the employee in order to be employed as a~~
16 ~~teacher in the county and city schools of this state. A~~
17 ~~professional educator's certificate does not include~~
18 ~~provisional, alternative, or emergency urgent certificates, or~~
19 ~~certificates or licenses that are issued to instructional~~
20 ~~aides or assistants, to substitute teachers, or to business,~~
21 ~~technical, operational, or other employees whose job duties do~~
22 ~~not require or entail the instruction of students or the~~
23 ~~regular supervision of or interaction with employees with such~~
24 ~~those job duties.~~

1 ~~"(7) SCHOOL YEAR. The period beginning with the~~
2 ~~first day of the annual school term and ending with the last~~
3 ~~day of the annual school term on which classroom instructors~~
4 ~~are required to report for duty, as established by the~~
5 ~~governing board. For a two-year educational institution, the~~
6 ~~school year shall be deemed to begin on the first day of the~~
7 ~~fall academic semester and continuing through the final day of~~
8 ~~the spring academic semester, but shall not include the summer~~
9 ~~academic semester.~~

10 ~~"(8) TEACHER. All employees of entities that are~~
11 ~~covered by this chapter who are required by law, regulation,~~
12 ~~or employer policy to maintain a professional educator's~~
13 ~~certificate issued by the State Department of Education and~~
14 ~~who are employed by a city or county board of education, the~~
15 ~~Alabama Institute for Deaf and Blind, or educational and~~
16 ~~correctional institutions under the control of the Department~~
17 ~~of Youth Services. The term also includes instructors employed~~
18 ~~by two-year educational institutions operated under the~~
19 ~~authority and control of the Department of Postsecondary~~
20 ~~Education Alabama Community College System and principals who~~
21 ~~had attained tenure under prior law, but who have not elected~~
22 ~~to become contract principals under subsection (h) of Section~~
23 ~~16-24B-3. The term does not include an employer's chief~~
24 ~~executive officer, chief school financial officer, or a~~
25 ~~principal who is employed as or who has elected to become a~~

1 ~~contract principal under subsection (h) of Section 16-24B-3,~~
2 ~~whether or not certification is required for those positions~~
3 ~~by law or policy, and does not include the president or vice~~
4 ~~president of a two-year educational institution operated under~~
5 ~~the authority and control of the Department of Postsecondary~~
6 ~~Education Alabama Community College System. A probationary~~
7 ~~teacher is a teacher who has not attained tenure."~~

8 Section 2. This act shall become effective
9 immediately following its passage and approval by the
10 Governor, or its otherwise becoming law.

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Speaker of the House of Representatives

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in
and was passed by the House 07-MAY-19, as amended.

Jeff Woodard
Clerk

Senate	23-MAY-19	Amended and Passed
House	28-MAY-19	Concurred in Senate Amendment