

1 HB506  
2 198863-1  
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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8 SYNOPSIS: Under existing law, the State Superintendent  
9 of Education is authorized to issue emergency  
10 teaching certificates, which are valid for one  
11 year, to certain individuals when otherwise  
12 certified teachers are not available.

13 This bill would rename emergency  
14 certificates as urgent certificates, would extend  
15 the validity of an urgent teaching certificate to  
16 two years, with the ability of being renewed twice,  
17 for a maximum validity of six years, and would make  
18 technical corrections to update the language of the  
19 amended code sections.

20  
21 A BILL  
22 TO BE ENTITLED  
23 AN ACT  
24

25 To amend Sections 16-3-16, 16-23-3, 16-23-16.1, and  
26 16-24C-3, Code of Alabama 1975, relating to provisional  
27 teaching certificates; to rename an emergency certificate as

1 an urgent certificate; to extend the length of time for which  
2 an urgent certificate is valid from one to two years, with the  
3 ability of being renewed twice, for a maximum validity of six  
4 years; and to make technical corrections to update the  
5 language of the amended code sections.

6 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

10 "§16-3-16.

11 "(a) Subject to ~~the provisions of~~ Chapter 23 of this  
12 title, the State Board of Education, through its executive  
13 officer, shall prescribe rules and regulations governing the  
14 training and the certification of teachers in the public  
15 schools of the state, and for the acceptance of the diplomas  
16 of the colleges and universities of Alabama, as well as of  
17 other states. The State Board of Education, with the advice of  
18 the State Superintendent of Education, shall have full power  
19 and authority to promulgate and adopt rules and regulations  
20 governing the issuance of professional and special,  
21 alternative, and ~~emergency~~ urgent certificates consistent with  
22 ~~the provisions of~~ Chapter 23 of this title.

23 "(b) Alabama shall use certification by the National  
24 Boards of Professional Teaching Standards as national  
25 reciprocity when national certification has been fully  
26 implemented.

27 "§16-23-3.

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

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

16           "(2) Submit the required application forms and fees  
17 and, when required, a separate fingerprint fee, along with  
18 fingerprints and release forms.

19           "(3) Be recommended for certification by the  
20 employing Alabama local school superintendent or private  
21 school administrator.

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

24           "(5) Meet the requirements of the Alabama  
25 Prospective Teacher Testing Program as set forth by the State  
26 Board of Education.

1           "(6) Verify compliance with one of the following  
2 admission criteria:

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

6           "b. An earned bachelor's or higher degree from a  
7 regionally accredited institution of higher education with a  
8 non-education major in the academic area for which  
9 certification is sought.

10          "c. A passing score on the appropriate Praxis II  
11 content test of the Alabama Prospective Teacher Testing  
12 Program.

13          "(7) Request that an official transcript be sent  
14 directly to the employing superintendent or private school  
15 administrator.

16          "(b) Any alternative certificate shall be valid for  
17 the period of time as shall be set by policies, procedures,  
18 rules, regulations, and/or standards which shall be adopted by  
19 the State Board of Education but in no event shall such period  
20 extend beyond four years from the July 1 beginning date of the  
21 initial alternative certificate.

22          "(c) Where ~~a person~~ an individual has received an  
23 alternative certificate or certificates and has been employed  
24 for three full years by no more than two county or city school  
25 boards or private schools while holding alternative  
26 certificates, ~~such person~~ an individual may be granted a

1 teaching certificate issued by the State Superintendent of  
2 Education pursuant to Section 16-23-1, when:

3 "(1) Approved by the State Superintendent of  
4 Education.

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

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

24 "(e) The State Superintendent of Education in cases  
25 of emergency when certified teachers, including teachers who  
26 may have received alternative certificates pursuant to this  
27 section, are not available may grant ~~emergency~~ urgent

1 certificates of the different kinds and grades, but any such  
2 ~~emergency~~ urgent certificate shall not be valid for a period  
3 to exceed ~~one year~~ two years but shall expire at the end of  
4 the scholastic year for which it is issued, ~~and such~~  
5 ~~emergency~~. An urgent certificate shall not may be extended or  
6 renewed two times as provided by policies, procedures, rules,  
7 regulations, and/or standards adopted by the State Board of  
8 Education, for a maximum validity of six years. Time served as  
9 a teacher pursuant to an ~~emergency~~ urgent certificate shall  
10 not be counted in determining continuing service status  
11 pursuant to Section 16-24-2.

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

18 "§16-23-16.1.

19 "(a) The Legislature finds that Alabama is alone  
20 among the southern states in not testing teacher candidates  
21 before allowing them in the classroom, and acknowledges that  
22 the need exists to establish, maintain, and enforce minimum  
23 professional standards for teacher candidates in the State of  
24 Alabama. In response to ~~such~~ that need, there is ~~hereby~~  
25 created a Professional Teachers Standards Commission ~~(the~~  
26 ~~commission)~~ for the State of Alabama. The commission shall  
27 consist of 11 members appointed by the Governor in the

1 following manner: The Alabama Congress of Parents and Teachers  
2 Association, Alabama Association of School Board Association  
3 Boards, Alabama Council for School Administration and  
4 Supervision, Alabama Education Association, and the Alabama  
5 Association of Colleges for Teacher Education shall each  
6 designate a representative that together shall form a  
7 nominating committee which shall meet at the call of the  
8 Governor and submit to him or her a list of 20 names to be  
9 considered for initial appointment to the commission. All ~~such~~  
10 nominees shall have demonstrated experience and ability in the  
11 science of test development and administration. ~~Such~~ The names  
12 shall be submitted to the Governor within 30 days immediately  
13 following July 23, 1991. If nominations are not received by  
14 the Governor within ~~such~~ the 30-day period, ~~he~~ the Governor  
15 shall proceed to make ~~such~~ appointments by the various  
16 categories as described below from his or her own selection.  
17 The nominations shall include an appropriate number of names  
18 to ensure the selection of three practicing elementary  
19 teachers for ~~(grades kindergarten through five)~~, one  
20 practicing middle school teacher for ~~(grades six through~~  
21 ~~eight)~~, and two practicing secondary teachers for ~~(grades nine~~  
22 ~~through 12)~~; two school administrators consisting of one  
23 school principal and one school superintendent; one member  
24 from the faculty of a teacher preparation program; and one  
25 member of a local board of education. In addition to the  
26 foregoing 10 members, the Governor shall appoint one member  
27 from his or her own selection, which member shall serve at the



1 pleasure of the Governor. Four of the members initially  
2 appointed shall serve for three years, four shall serve for  
3 two years, and three shall serve for one year. Thereafter, the  
4 terms of all members shall be for three years. The Governor  
5 shall designate at the time of the initial appointments which  
6 members' terms shall be for one, two, or three years in  
7 duration. At the expiration of the term of any appointee,  
8 other than the Governor's discretionary appointee, the  
9 nominating committee shall recommend to the Governor at least  
10 two ~~persons~~ individuals for appointment to the position  
11 created by the expired term. Vacancies occurring on the  
12 commission shall be filled from the same respective categories  
13 as described above and the replacement or reappointed  
14 ~~member(s)~~ member of the commission shall serve for the  
15 remainder of the unexpired term of his or her predecessor. The  
16 Governor may reject any ~~name(s)~~ name submitted by the  
17 nominating committee and in such a case the Governor shall  
18 call upon the nominating committee to submit additional names  
19 for the initial appointees or additional names for the filling  
20 of any vacancy on the commission. No member of the commission  
21 shall serve more than two full terms.

22 " (b) (1) The Legislature recognizes that the National  
23 Teacher Examination (NTE) or some component thereof is  
24 utilized as an examination for teacher candidates in 33  
25 states, including the majority of our surrounding southern  
26 states. It is therefore the intent of the Legislature that the  
27 commission select a nationally recognized pre-certification

1 examination such as the NTE for initial certification of  
2 teacher candidates in Alabama. The commission is directed to  
3 determine the conditions, if any, which ~~must~~ shall be  
4 satisfied for use of the NTE for the purposes set forth  
5 herein. The commission ~~is further authorized to~~ may utilize  
6 all means necessary to comply with such conditions so as to  
7 allow usage of the NTE as an entry-level pre-certification  
8 examination for teacher candidates in Alabama, or to otherwise  
9 promote full implementation of this section.

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

20 "(c) Any pre-certification examination designated or  
21 developed pursuant to this section shall be administered by  
22 the commission to all teacher candidates seeking certification  
23 for the 1994-95 school year. Candidates ~~must~~ shall demonstrate  
24 required satisfactory proficiency, as determined by the  
25 commission from time to time, on ~~such~~ the examination ~~prior to~~  
26 before becoming eligible to receive a certificate pursuant to  
27 this chapter; provided, however, that ~~such~~ satisfactory

1 proficiency shall not be required for persons to become  
2 eligible to receive ~~emergency~~ urgent certificates pursuant to  
3 Section 16-23-3. Candidates shall have only five opportunities  
4 to demonstrate the required satisfactory proficiency, and if  
5 ~~such~~ a candidate fails to demonstrate the required  
6 satisfactory proficiency in the fifth attempt, ~~such~~ the  
7 candidates shall not be eligible for certification in the  
8 State of Alabama.

9 "(d) It is the intent of the Legislature that  
10 Alabama teacher preparation institutions support the  
11 performance of their graduates on ~~such~~ pre-certification  
12 examinations and ~~such~~ that institutions shall be responsible  
13 for providing remediation without any cost to the student who  
14 has successfully completed all course requirements for the  
15 teacher preparation program but has failed the  
16 pre-certification test. The failure of any institution to  
17 comply with ~~the provisions of~~ this section shall be grounds  
18 upon which the institution's rights to prepare teachers may be  
19 withdrawn. It is the intent of the Legislature that upon the  
20 designation or development of a pre-certification examination  
21 for initial certification of teacher candidates, the  
22 commission shall then proceed to address the improvement of  
23 standards for teacher preparation programs. As a result of the  
24 administration of the test and to the extent fewer minorities  
25 are licensed to teach in Alabama, the commission shall develop  
26 a remedial plan which ~~will~~ shall be implemented by teacher  
27 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  
26 assistants, instructional aides or assistants, whether or not  
27 certificated, non-certificated supervisors, and, except as

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

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

23 "(4) EMPLOYER. The entity, institution, agency, or  
24 political subdivision of the state by which an employee who is  
25 subject to this chapter is employed. Employers subject to this  
26 chapter include all city and county boards of education, all  
27 educational and correctional institutions under the control of

1 the Department of Youth Services, the Alabama Institute for  
2 Deaf and Blind, and two-year educational institutions operated  
3 under the authority and control of the ~~Department of~~  
4 ~~Postsecondary Education~~ Alabama Community College System. Each  
5 two-year institution operated under the authority and control  
6 of the ~~Department of Postsecondary Education~~ Alabama Community  
7 College System is a separate employer for purposes of this  
8 chapter.

9           "(5) GOVERNING BOARD. The body of elected or  
10 appointed officials that is granted authority by law,  
11 regulation, or policy to make employment decisions on behalf  
12 of the employer. If final decision-making authority with  
13 respect to employment decisions is conferred by law,  
14 regulation, or duly adopted policy on an official,  
15 administrator, or organizational unit other than a separate  
16 governing board, the decision or action of ~~such~~ the official,  
17 administrator, or organizational unit, including the president  
18 of a two-year educational institution operated under the  
19 authority and control of the ~~Department of Postsecondary~~  
20 ~~Education~~ Alabama Community College System, is that of the  
21 governing board for purposes of this chapter, and no  
22 additional approval of ~~such~~ the decision or action shall be  
23 required. Under such circumstances, the official,  
24 administrator, president, or organizational unit shall assume  
25 and exercise the duties of the governing board established by  
26 this chapter. For purposes of this chapter, the State Board of  
27 Education shall not be deemed to be or authorized to function

1 as the employer or the governing board of any employer covered  
2 by this chapter.

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

18 "(7) SCHOOL YEAR. The period beginning with the  
19 first day of the annual school term and ending with the last  
20 day of the annual school term on which classroom instructors  
21 are required to report for duty, as established by the  
22 governing board. For a two-year educational institution, the  
23 school year shall be deemed to begin on the first day of the  
24 fall academic semester and continuing through the final day of  
25 the spring academic semester, but shall not include the summer  
26 academic semester.

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

24           Section 2. This act shall become effective  
25 immediately following its passage and approval by the  
26 Governor, or its otherwise becoming law.