

1 SB304
2 198863-1
3 By Senator Chambliss
4 RFD: Education Policy
5 First Read: 16-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.