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3 HOUSE WAYS AND MEANS EDUCATION COMMITTEE SUBSTITUTE FOR SB327
4 AS ENGROSSED

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9 SYNOPSIS: This bill would establish the Teacher
10 Excellence and Accountability for Mathematics and
11 Science (TEAMS) Salary Schedule Program and
12 hard-to-staff supplement.

13
14 A BILL
15 TO BE ENTITLED
16 AN ACT

17
18 To establish the Teacher Excellence and
19 Accountability for Mathematics and Science (TEAMS) Salary
20 Schedule Program; to provide additional compensation to
21 teachers of mathematics and science who elect to participate
22 in the program and meet the required qualifications; to
23 provide an additional annual supplement to program
24 participants teaching in hard-to-staff schools; to create the
25 TEAMS Fund in the State Treasury; and to provide for the terms
26 of employment for participating teachers.

27 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1 Section 1. There is created the Teacher Excellence
2 and Accountability for Mathematics and Science (TEAMS) Salary
3 Schedule Program.

4 Section 2. For the purposes of this act, the
5 following terms shall have the following meanings:

6 (1) DEPARTMENT. The State Department of Education.

7 (2) ELIGIBLE TEACHER. A teacher, employed by a local
8 board, who satisfies all the criteria for application in the
9 program provided in this act.

10 (3) HARD-TO-STAFF SUPPLEMENT. The additional salary
11 supplement available to participating teachers teaching in
12 certain schools, as provided in Section 6.

13 (4) LOCAL BOARD. A city or county board of
14 education.

15 (5) MATH or MATHEMATICS. Mathematics courses that
16 appear in the Alabama Course of Study, including mathematics
17 for grades 6-12 or other secondary mathematics courses as
18 approved by the department.

19 (6) PARTICIPATING TEACHER. An eligible teacher who
20 elects to participate in the program and who is recommended
21 and approved for participation in the program, as provided in
22 this act.

23 (7) PROGRAM. The Teacher Excellence and
24 Accountability for Mathematics and Science Salary Schedule
25 Program created by this act and administered by the
26 department.

1 (8) SCIENCE. Science courses that appear in the
2 Alabama Course of Study, including science for grades 6-12 or
3 other secondary science courses, engineering, and computer
4 science courses, as approved by the department.

5 (9) TEAMS. Teacher Excellence and Accountability for
6 Mathematics and Science.

7 Section 3. The department shall administer the
8 program and may establish necessary procedures for the
9 administration of the program. The State Board of Education
10 shall adopt rules necessary to implement this act.

11 Section 4. (a) An eligible teacher shall satisfy
12 each of the following criteria to participate in the program:

13 (1) Hold a valid Alabama professional educator
14 certificate or valid alternate certificate, approved for
15 middle level or secondary math, science, or computer science
16 courses.

17 (2) Teach approved courses in mathematics or science
18 in grades 6-12.

19 (3) Teach full time in mathematics or science, or
20 both.

21 (b) An eligible teacher wishing to participate in
22 the program shall apply for the program by notifying the local
23 superintendent of education in writing on forms prescribed by
24 the department. The eligible teacher shall provide
25 documentation to the local superintendent that the teacher has
26 met the requirements for participation in the program provided
27 in this section.

1 (c) After receipt of an application and required
2 documentation, the local superintendent of education shall
3 determine if the applicant has met the requirements for
4 participation in the program, and, after the determination is
5 made, may recommend that the local board of education offer a
6 TEAMS contract to the applicant.

7 Section 5. (a) A participating teacher shall be
8 offered a preliminary or advanced contract under the
9 provisions of this act.

10 (b) 1. A participating teacher not meeting the
11 criteria for an advanced contract as provided in subsection
12 (c) shall be offered a preliminary contract if this is his or
13 her initial contract in the TEAMS program. The preliminary one
14 year contract may be extended from year to year for a maximum
15 of three total years until the teacher qualifies for an
16 advanced contract which may be up to three years as provided
17 by this section, or is nonrenewed or terminated under the
18 provisions of this act. Each preliminary contract shall
19 include a provision to ensure a participating teacher's
20 adequate progress toward advanced contract qualification.

21 2. Notwithstanding paragraph 1., a participating
22 teacher with insufficient experience to obtain the specialized
23 certification or credential provided by subsection (c) may
24 have his or her preliminary contract extended from year to
25 year for a maximum of six total years.

26 3. Subject to limited waivers approved by the
27 department, a participating teacher shall only be eligible for

1 preliminary contracts for his or her maximum period of three
2 or six years. A superintendent, on behalf of a participating
3 teacher, may request additional program opt-in waivers for the
4 teacher's failure to timely qualify for an advanced contract
5 due to limited status exemptions approved by the department,
6 including but not limited to health conditions, family
7 emergency, or change in county of residence.

8 (c) To be eligible for an advanced contract, of up
9 to three years, a participating teacher shall hold a valid
10 specialized certification or credential provided by subsection
11 (d).

12 (d) A participating teacher shall have obtained a
13 specialized certification or credential issued by one of the
14 following within three years of admission to the program:

15 1. The National Institute for STEM Education.

16 2. The National Board of Professional Teacher
17 Standards - Early Adolescence or Early Adolescence and Young
18 Adulthood Math or Science.

19 3. The department.

20 4. Any other criteria established by the department.

21 (e) A participating teacher with over 20 years of
22 service that satisfies the advanced contract criteria shall be
23 offered a contract for a period of five years.

24 (f) Each contract shall require a participating
25 teacher to complete at least four days of annual high quality
26 professional development administered, sponsored, or approved
27 by the department.

1 (g) Any provision of law to the contrary
2 notwithstanding, persons employed in this program shall be
3 employed by a local board utilizing contracts as provided by
4 this act.

5 1. Any teacher who has attained continuing service
6 status with his or her local board, and elects participation
7 in the program under the same local board, shall be deemed to
8 have voluntarily relinquished his or her status and
9 protections under the Students First Act of 2011, Chapter 24C
10 of Title 16, Code of Alabama 1975.

11 2. Notwithstanding paragraph 1., any teacher who has
12 attained continuing service status with his or her local board
13 as of June 30, 2021, and elects participation in the program
14 under the same local board and maintains adequate progress
15 toward the advanced contract qualifications, but fails to
16 obtain the credential or certification shall have one-time
17 reversion rights to the previous service status at the end of
18 his or her preliminary contract period(s).

19 3. Nothing in this act shall be construed to confer
20 continuing service status on any participating teacher. The
21 contract term for a participating teacher shall not count
22 toward accrual of continuing service status.

23 Section 6. (a) In addition to the other provisions
24 of this act, participating teachers shall be eligible for the
25 hard-to-staff supplement. The hard-to-staff supplement shall
26 be five thousand dollars (\$5,000) per year.

1 (b) (1) To qualify for the hard-to-staff supplement,
2 a participating teacher shall teach in a school designated as
3 hard-to-staff by the department.

4 (2) The department shall annually determine which
5 schools are hard-to-staff based on any of the following
6 factors:

- 7 a. Out-of-field teaching assignments.
- 8 b. Poverty level.
- 9 c. Geographic location.
- 10 d. Population density.
- 11 e. Any other factors identified by the department.

12 Section 7. (a) The TEAMS Fund is created in the
13 State Treasury for the purpose of providing funding for
14 differential pay and salary supplements to participating
15 teachers as provided by this act. The Legislature shall
16 appropriate to this fund amounts sufficient to sustain the
17 operation of the program. All funds received by the TEAMS Fund
18 shall remain in the TEAMS Fund and shall not revert or be
19 expended for any purpose other than those set out in this act.

20 (b) Each local board is allocated one position for
21 mathematics and one position for science funded through the
22 TEAMS program for every 105 students in combined grades 6-12.

23 (c) It is not the intent of this act to make
24 appropriations, but the appropriations required by this act
25 shall be from the Education Trust Fund, or any other funding
26 source, for the designated fiscal year.

1 (d) Beginning with the 2021-2022 school year, and
2 each school year thereafter, each participating teacher shall
3 be paid in accordance with the TEAMS salary schedule
4 established by the Legislature in the Education Trust Fund
5 appropriation act and adopted by the State Board of Education.

6 (e) (1) The department shall allocate funding to
7 local boards for the following:

8 a. The appropriate incremental TEAMS salary
9 increases net of the State Minimum Salary Schedule under
10 Sections 16-6B-8 and 16-13-231, Code of Alabama 1975, upon
11 verification of eligibility of a participating teacher.

12 b. The hard-to-staff supplement provided in Section
13 6.

14 (2) The department shall distribute monies from the
15 TEAMS Fund to local boards monthly to fund the allocations
16 provided in this section.

17 (f) The provisions and requirements of this section
18 shall be in addition to those of Section 16-13-231.1, Code of
19 Alabama 1975, relating to the State Minimum Salary Schedule.
20 Each participating teacher shall be properly placed on the
21 TEAMS program salary schedule according to degree earned and
22 years of public education service, either in-state or
23 out-of-state, which shall not be less than the amounts
24 appropriated for the State Minimum Salary Schedule. The
25 participating teacher shall be paid according to degree earned
26 and length of public education experience. The local board
27 shall transmit to the department the appropriate documentation

1 for each participating teacher in a timely fashion;
2 thereafter, each participating teacher shall be paid under
3 this act as soon as certified by the department.

4 (g) All salaries and salary increases shall be paid
5 in full to each person employed before the end of the
6 applicable fiscal year as defined in Section 16-1-1, Code of
7 Alabama 1975.

8 (h) Nothing in this act shall prohibit a local board
9 from paying additional supplements to participating teachers
10 in accordance with local board policies.

11 Section 8. (a) Beginning with the 2021-2022 school
12 year and each year thereafter, each participating teacher
13 shall be employed on a 189 day contract with the local board.

14 (b) After completion of a preliminary contract
15 period, the local board, upon the recommendation of the local
16 superintendent, shall do one of the following, and provide
17 written notice to the participating teacher no later than June
18 30:

19 1. Offer the participating teacher another
20 preliminary one-year contract, subject to the limitations in
21 Section 5(b), or an advanced contract.

22 2. Nonrenew the teacher's preliminary contract and
23 employment entirely, without a stated reason.

24 3. Nonrenew the teacher's preliminary contract
25 without a stated reason, and reemploy the teacher in any
26 position outside of the program.

1 (c) If no action is taken by June 30 of the year the
2 preliminary contract expires, the teacher's contract shall be
3 deemed renewed for one year subject to the limitations in
4 Section 5(b). If the teacher has reached the maximum number of
5 three or six year preliminary contract years pursuant to
6 Section 5(b) and fails to qualify for an advanced contract as
7 provided in Section 5(c), he or she shall be deemed
8 nonrenewed, subject to the provisions of Section 9.

9 (d) After completion of an advanced contract period,
10 the local board, upon the recommendation of the local
11 superintendent, shall do one of the following, and provide
12 written notice to the participating teacher no later than June
13 30:

14 (1) Offer the participating teacher another advanced
15 contract of up to three years subject to the provisions of
16 Section 5(c).

17 (2) Nonrenew the teacher's advanced contract and
18 employment entirely for any stated reason.

19 (3) Nonrenew the teacher's advanced contract for any
20 stated reason, and reemploy the teacher in any position
21 outside the program.

22 (e) If no action is taken by June 30 of the year the
23 contract expires, the teacher's contract shall be deemed
24 renewed for three years subject to the provisions of Section
25 5(c).

26 (f) The decision to nonrenew the contract may be
27 based on any reason except personal or political reasons. A

1 teacher with an advanced contract may challenge the nonrenewal
2 by filing a petition with the department within 10 days of
3 receipt of the written notice of nonrenewal. The only issue to
4 be determined by the department will be whether the nonrenewal
5 was for personal or political reasons. The teacher shall bear
6 the burden of establishing that the nonrenewal was based on a
7 personal or political reason.

8 (g) Any notice required under this act shall be
9 provided to the participating teacher either by personal
10 service, by certified mail, or by private mail carrier return
11 receipt requested.

12 Section 9. (a) If the local board, upon the
13 recommendation of the local superintendent, votes to terminate
14 the employment of a participating teacher before the
15 completion of his or her contract without cause, the teacher
16 shall be paid the balance of salary and benefits due for the
17 contract period.

18 (b) A local board may terminate the contract of a
19 participating teacher for cause at any time, for any of the
20 following reasons:

- 21 1. Immorality.
- 22 2. Insubordination.
- 23 3. Neglect of duty.
- 24 4. Conviction of a felony or a crime involving moral
25 turpitude.
- 26 5. Failure to fulfill the duties and
27 responsibilities of his or her teaching assignment.

1 6. Failure to comply with local board policy.

2 7. Incompetency.

3 8. Justifiable decrease in positions.

4 9. Incarceration.

5 (c) (1) If the local superintendent recommends the
6 termination of the contract of a participating teacher for
7 cause, the local superintendent shall provide written notice
8 of that recommendation and the reasons therefor to the
9 participating teacher. The teacher shall have the right to
10 request an expedited evidentiary hearing before the local
11 board votes on the recommendation. Any such request must be
12 provided to the local superintendent within 10 days of the
13 issuance of the written recommendation to terminate. The
14 participating teacher shall be provided at least 15 days to
15 prepare for the evidentiary hearing. The local superintendent
16 shall provide a court reporter to produce a transcript of the
17 hearing.

18 (2) If the local board, upon recommendation of the
19 local superintendent, votes to terminate the contract for
20 cause, written notice of that decision shall be provided to
21 the teacher within five days of the local board's decision.

22 (3) Within 10 days after the date of receipt of
23 notice provided to a participating teacher informing him or
24 her of an action by the local board to terminate the teacher's
25 contract for cause, the teacher, may request a review of the
26 local board's decision, by filing a petition with the
27 department for an expedited review of the board's decision.

1 The teacher shall provide a copy of the petition to the local
2 superintendent within five days of the filing of the petition
3 with the department. The department shall review the
4 administrative record to determine whether the board had
5 sufficient cause to terminate the participating teacher. At
6 the request of the teacher, the department may convene a
7 hearing provided no witnesses may testify and no new evidence
8 may be submitted.

9 (4) The pay and benefits of the teacher shall be
10 continued until such time as the department issues a final
11 order upholding the local board's decision. Should the
12 department determine that the termination was unlawful or
13 without sufficient cause, the department may order the teacher
14 be reinstated under the automatic extension provisions in
15 Section 8(c) or Section 8(e).

16 (d) In the event a participating teacher's
17 professional educator's certificate is revoked for cause,
18 suspended for cause, or relinquished, the teacher shall be
19 summarily terminated and shall not be subject to the rights,
20 remedies and procedures provided by this chapter.

21 Section 10. (a) (1) The department may develop a
22 model participating teacher contract for use pursuant to this
23 act.

24 (2) Each model preliminary contract shall include a
25 provision to ensure a participating teacher's adequate
26 progress toward advanced contract qualification, to include

1 benchmark advancement during the participating teacher's
2 three- or six-year maximum preliminary contract period.

3 (b) The department shall have the authority to
4 appoint a hearing officer to consider any petition filed under
5 this act.

6 Section 11. (a) Public charter schools created
7 pursuant to the Alabama School Choice and Student Opportunity
8 Act, Chapter 6F of Title 16, Code of Alabama 1975, shall be
9 allocated TEAMS positions and funding in the same manner as
10 local boards under this act, provided the public charter
11 school complies with all requirements of the program
12 established by the department.

13 (b) Charter school governing boards shall be
14 entitled to offer preliminary or advanced contracts to
15 qualified teachers based on the TEAMS salary schedule in the
16 same manner as local boards, and qualified teachers may also
17 receive the hard-to-staff supplement provided in Section 6,
18 subject to all provisions of this act. Notwithstanding any
19 provision of this act, any such contract shall be at least one
20 year and shall be terminable at will by the charter school
21 governing board.

22 Section 12. This act shall become effective
23 immediately following its passage and approval by the
24 Governor, or its otherwise becoming law.