

1 SB327
2 212164-2
3 By Senators Chesteen and Orr
4 RFD: Finance and Taxation Education
5 First Read: 11-MAR-21

1 SB327

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4 ENGROSSED

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7 A BILL
8 TO BE ENTITLED
9 AN ACT

10
11 To establish the Teacher Excellence and
12 Accountability for Mathematics and Science (TEAMS) Salary
13 Schedule Program; to provide additional compensation to
14 teachers of mathematics and science who elect to participate
15 in the program and meet the required qualifications; to
16 provide an additional annual supplement to program
17 participants teaching in hard-to-staff schools; to create the
18 TEAMS Fund in the State Treasury; and to provide for the terms
19 of employment for participating teachers.

20 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

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

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

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

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

7 (4) LOCAL BOARD. A city or county board of
8 education.

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

13 (6) PARTICIPATING TEACHER. An eligible teacher who
14 elects to participate in the program and who is recommended
15 and approved for participation in the program, as provided in
16 this act.

17 (7) PROGRAM. The Teacher Excellence and
18 Accountability for Mathematics and Science Salary Schedule
19 Program created by this act and administered by the
20 department.

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

25 (9) TEAMS. Teacher Excellence and Accountability for
26 Mathematics and Science.

1 Section 3. The department shall administer the
2 program and may establish necessary procedures for the
3 administration of the program. The State Board of Education
4 shall adopt rules necessary to implement this act.

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

7 (1) Hold a valid Alabama professional educator
8 certificate or valid alternate certificate, approved for
9 middle level or secondary math, science, or computer science
10 courses.

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

13 (3) Teach full time in mathematics or science, or
14 both.

15 (b) An eligible teacher wishing to participate in
16 the program shall apply for the program by notifying the local
17 superintendent of education in writing on forms prescribed by
18 the department. The eligible teacher shall provide
19 documentation to the local superintendent that the teacher has
20 met the requirements for participation in the program provided
21 in this section.

22 (c) After receipt of an application and required
23 documentation, the local superintendent of education shall
24 determine if the applicant has met the requirements for
25 participation in the program, and, after the determination is
26 made, may recommend that the local board of education offer a
27 TEAMS contract to the applicant.

1 Section 5. (a) A participating teacher shall be
2 offered a preliminary or advanced contract under the
3 provisions of this act.

4 (b) 1. A participating teacher not meeting the
5 criteria for an advanced contract as provided in subsection
6 (c) shall be offered a preliminary contract if this is his or
7 her initial contract in the TEAMS program. The preliminary one
8 year contract may be extended from year to year for a maximum
9 of three total years until the teacher qualifies for an
10 advanced contract which may be up to as provided by this
11 section, or is nonrenewed or terminated under the provisions
12 of this act.

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

18 (c) To be eligible for an advanced contract, of up
19 to three years, a participating teacher shall hold a valid
20 specialized certification or credential provided by subsection
21 (d).

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

- 25 1. The National Institute for STEM Education.

1 2. The National Board of Professional Teacher
2 Standards - Early Adolescence or Early Adolescence and Young
3 Adulthood Math or Science.

4 3. The department.

5 4. Any other criteria established by the department.

6 (d) A participating teacher with over 20 years of
7 service that satisfies the advanced contract criteria shall be
8 offered a contract for a period of five years.

9 (e) Each contract shall require a participating
10 teacher to complete at least four days of annual high quality
11 professional development administered, sponsored, or approved
12 by the department.

13 (f) Any provision of law to the contrary
14 notwithstanding, persons employed in this program shall be
15 employed by a local board utilizing contracts as provided by
16 this act.

17 1. Any teacher who has attained continuing service
18 status with his or her local board, and elects participation
19 in the program under the same local board, shall be deemed to
20 have voluntarily relinquished his or her status and
21 protections under the Students First Act of 2011, Chapter 24C
22 of Title 16, Code of Alabama 1975. At the end of a teacher's
23 initial advanced contract period, he or she shall have
24 one-time reversion rights to the previous service status,
25 provided he or she is nonrenewed and reemployed outside the
26 program and without a break in service by the same local
27 board.

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

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

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

12 (2) The department shall annually determine which
13 schools are hard-to-staff based on any of the following
14 factors:

- 15 a. Out-of-field teaching assignments.
- 16 b. Poverty level.
- 17 c. Geographic location.
- 18 d. Population density.
- 19 e. Any other factors identified by the department.

20 Section 7. (a) The TEAMS Fund is created in the
21 State Treasury for the purpose of providing funding for
22 differential pay and salary supplements to participating
23 teachers as provided by this act. The Legislature shall
24 appropriate to this fund amounts sufficient to sustain the
25 operation of the program. All funds received by the TEAMS Fund
26 shall remain in the TEAMS Fund and shall not revert or be
27 expended for any purpose other than those set out in this act.

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

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

8 (d) Beginning with the 2021-2022 school year, and
9 each school year thereafter, each participating teacher shall
10 be paid in accordance with the TEAMS salary schedule
11 established by the Legislature in the Education Trust Fund
12 appropriation act and adopted by the State Board of Education.

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

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

19 b. The hard-to-staff supplement provided in Section
20 6.

21 (2) The department shall distribute monies from the
22 TEAMS Fund to local boards monthly to fund the allocations
23 provided in this section.

24 (f) The provisions and requirements of this section
25 shall be in addition to those of Section 16-13-231.1, Code of
26 Alabama 1975, relating to the State Minimum Salary Schedule.
27 Each participating teacher shall be properly placed on the

1 TEAMS program salary schedule according to degree earned and
2 years of public education service, either in-state or
3 out-of-state, which shall not be less than the amounts
4 appropriated for the State Minimum Salary Schedule. The
5 participating teacher shall be paid according to degree earned
6 and length of public education experience. The local board
7 shall transmit to the department the appropriate documentation
8 for each participating teacher in a timely fashion;
9 thereafter, each participating teacher shall be paid under
10 this act as soon as certified by the department.

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

15 (h) Nothing in this act shall prohibit a local board
16 from paying additional supplements to participating teachers
17 in accordance with local board policies.

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

21 (b) After completion of a preliminary contract
22 period, the local board, upon the recommendation of the local
23 superintendent, shall do one of the following, and provide
24 written notice to the participating teacher no later than June
25 30:

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

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

6 3. Nonrenew the teacher's preliminary contract
7 without a stated reason, and reemploy the teacher in any
8 position outside of the program.

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

17 (d) After completion of an advanced contract period,
18 the local board, upon the recommendation of the local
19 superintendent, shall do one of the following, and provide
20 written notice to the participating teacher no later than June
21 30:

22 (1) Offer the participating teacher another advanced
23 three year contract subject to the provisions of Section 5(c).

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

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

4 (e) If no action is taken by June 30 of the year the
5 contract expires, the teacher's contract shall be deemed
6 renewed for three years subject to the provisions of Section
7 5(c).

8 (f) The decision to nonrenew the contract may be
9 based on any reason except personal or political reasons. A
10 teacher with an advanced contract may challenge the nonrenewal
11 by filing a petition with the department within 10 days of
12 receipt of the written notice of nonrenewal. The only issue to
13 be determined by the department will be whether the nonrenewal
14 was for personal or political reasons. The teacher shall bear
15 the burden of establishing that the nonrenewal was based on a
16 personal or political reason.

17 (g) Any notice required under this act shall be
18 provided to the participating teacher either by personal
19 service, by certified mail, or by private mail carrier return
20 receipt requested.

21 Section 9. (a) If the local board, upon the
22 recommendation of the local superintendent, votes to terminate
23 the employment of a participating teacher before the
24 completion of his or her contract without cause, the teacher
25 shall be paid the balance of salary and benefits due for the
26 contract period.

1 (b) A local board may terminate the contract of a
2 participating teacher for cause at any time, for any of the
3 following reasons:

- 4 1. Immorality.
- 5 2. Insubordination.
- 6 3. Neglect of duty.
- 7 4. Conviction of a felony or a crime involving moral
8 turpitude.
- 9 5. Failure to fulfill the duties and
10 responsibilities of his or her teaching assignment.
- 11 6. Failure to comply with local board policy.
- 12 7. Incompetency.
- 13 8. Justifiable decrease in positions.
- 14 9. Incarceration.

15 (c) (1) If the local superintendent recommends the
16 termination of the contract of a participating teacher for
17 cause, the local superintendent shall provide written notice
18 of that recommendation and the reasons therefor to the
19 participating teacher. The teacher shall have the right to
20 request an expedited evidentiary hearing before the local
21 board votes on the recommendation. Any such request must be
22 provided to the local superintendent within 10 days of the
23 issuance of the written recommendation to terminate. The
24 participating teacher shall be provided at least 15 days to
25 prepare for the evidentiary hearing. The local superintendent
26 shall provide a court reporter to produce a transcript of the
27 hearing.

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

5 (3) Within 10 days after the date of receipt of
6 notice provided to a participating teacher informing him or
7 her of an action by the local board to terminate the teacher's
8 contract for cause, the teacher, may request a review of the
9 local board's decision, by filing a petition with the
10 department for an expedited review of the board's decision.
11 The teacher shall provide a copy of the petition to the local
12 superintendent within five days of the filing of the petition
13 with the department. The department shall review the
14 administrative record to determine whether the board had
15 sufficient cause to terminate the participating teacher. The
16 department shall have the discretion to convene a hearing
17 provided no witnesses may testify and no new evidence may be
18 submitted.

19 (4) The pay and benefits of the teacher shall be
20 continued until such time as the department issues a final
21 order upholding the local board's decision. Should the
22 department determine that the termination was unlawful or
23 without sufficient cause, the department may order the teacher
24 be reinstated under the automatic extension provisions in
25 Section 8(c) or Section 8(e).

26 (d) In the event a participating teacher's
27 professional educator's certificate is revoked for cause,

1 suspended for cause, or relinquished, the teacher shall be
2 summarily terminated and shall not be subject to the rights,
3 remedies and procedures provided by this chapter.

4 Section 10. (a) The department may develop a model
5 participating teacher contract for use pursuant to this act.

6 (b) The department shall have the authority to
7 appoint a hearing officer to consider any petition filed under
8 this act.

9 (c) The State Superintendent of Education, in
10 consultation with the State Board of Education, may provide to
11 the Legislature a report on the program recommending the
12 addition of other teacher shortage areas to this act.

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

20 (b) Charter school governing boards shall be
21 entitled to offer preliminary or advanced contracts to
22 qualified teachers based on the TEAMS salary schedule in the
23 same manner as local boards, and qualified teachers may also
24 receive the hard-to-staff supplement provided in Section 6,
25 subject to all provisions of this act. Notwithstanding any
26 provision of this act, any such contract shall be at least one

1 year and shall be terminable at will by the charter school
2 governing board.

3 Section 12. This act shall become effective
4 immediately following its passage and approval by the
5 Governor, or its otherwise becoming law.

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Senate

Read for the first time and referred to the Senate
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Yeas 28
Nays 1

Patrick Harris,
Secretary.