

**SB33 ENGROSSED**



1 SB33  
2 BXURJJQ-2  
3 By Senator Elliott  
4 RFD: Education Policy  
5 First Read: 06-Feb-24



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A BILL  
TO BE ENTITLED  
AN ACT

Relating to public K-12 and public two-year institutions of higher education; to amend Section 16-24C-3, Code of Alabama 1975, relating to the Students First Act of 2011, to revise definitions relating to the teacher tenure law; to add Article 2, commencing with Section 16-24B-50, to Chapter 24B, Title 16, Code of Alabama 1975, to create the Assistant Administrator Accountability Act; to provide for the employment of assistant superintendents, assistant chief school finance officers, and assistant principals of a school system or school, including a vocational center, hired on or after July 1, 2024, on a contract basis; and to require for the employment of executive and administrative management personnel by public two-year institutions of higher education hired on or after July 1, 2024, on a contract basis.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 16-24C-3 of the Code of Alabama 1975, is amended to read as follows:

"§16-24C-3

For purposes of this ~~chapter~~ article, the following terms shall have the following meanings:



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29 (1) CHIEF EXECUTIVE OFFICER. The chief administrative  
30 and executive officer of an entity, institution, agency, or  
31 political subdivision of the state that is subject to this  
32 ~~chapter~~ article and includes, without limitation,  
33 superintendents of city or county boards of education and  
34 presidents of two-year educational institutions operated under  
35 authority and control of the ~~Department of Postsecondary~~  
36 ~~Education~~ Board of Trustees of the Alabama Community College  
37 System. The term includes ~~persons~~ individuals serving in such  
38 a capacity on an acting or interim basis under lawful  
39 appointment or by operation of law.

40 (2) CLASSIFIED EMPLOYEE. All adult bus drivers, all  
41 full-time lunchroom or cafeteria workers, janitors,  
42 custodians, maintenance personnel, secretaries and clerical  
43 assistants, instructional aides or assistants, whether or not  
44 certificated, non-certificated supervisors, and, except as  
45 hereinafter provided, all other ~~persons~~ individuals who are  
46 not teachers as defined herein who are full-time employees of  
47 a city or county board of education, two-year educational  
48 institutions operated under the authority and control of the  
49 ~~Department of Postsecondary Education~~ Board of Trustees of the  
50 Alabama Community College System, the Alabama Institute for  
51 Deaf and Blind, including production workers at the Alabama  
52 Industries for the Blind, and educational and correctional  
53 institutions under the control of the Department of Youth  
54 Services. The term does not include the employer's chief  
55 executive officer, vice president, ~~or~~ chief school financial  
56 officer, or assistant administrative officer as defined in



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57 Section 16-24B-51. Full-time employees include adult bus  
58 drivers and other employees whose duties require 20 or more  
59 hours in each normal working week of the school term,  
60 excluding holidays that are recognized by the employer.  
61 Employees who are eligible for coverage under the state Merit  
62 System are not covered by this ~~chapter~~ article. A probationary  
63 classified employee is a classified employee who has not  
64 attained nonprobationary status.

65 (3) EMPLOYEE. Unless otherwise specified, and as  
66 appropriate to the context, the term includes either a teacher  
67 or a classified employee, or both, whose employment is subject  
68 to this ~~chapter~~ article.

69 (4) EMPLOYER. The entity, institution, agency, or  
70 political subdivision of the state by which an employee who is  
71 subject to this ~~chapter~~ article is employed. Employers subject  
72 to this ~~chapter~~ article include all city and county boards of  
73 education, all educational and correctional institutions under  
74 the control of the Department of Youth Services, the Alabama  
75 Institute for Deaf and Blind, and two-year educational  
76 institutions operated under the authority and control of the  
77 ~~Department of Postsecondary Education~~ Board of Trustees of the  
78 Alabama Community College System. Each two-year institution  
79 operated under the authority and control of the ~~Department of~~  
80 ~~Postsecondary Education~~ Board of Trustees of the Alabama  
81 Community College System is a separate employer for purposes  
82 of this ~~chapter~~ article.

83 (5) GOVERNING BOARD. The body of elected or appointed  
84 officials that is granted authority by law, ~~regulation~~ rule,



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85 or policy to make employment decisions on behalf of the  
86 employer. If final decision-making authority with respect to  
87 employment decisions is conferred by law, ~~regulation~~ rule, or  
88 duly adopted policy on an official, administrator, or  
89 organizational unit other than a separate governing board, the  
90 decision or action of ~~such~~ the official, administrator, or  
91 organizational unit, including the president of a two-year  
92 educational institution operated under the authority and  
93 control of the ~~Department of Postsecondary Education~~ Board of  
94 Trustees of the Alabama Community College System, is that of  
95 the governing board for purposes of this ~~chapter~~ article, and  
96 no additional approval of ~~such~~ the decision or action shall be  
97 required. Under ~~such~~ these circumstances, the official,  
98 administrator, president, or organizational unit shall assume  
99 and exercise the duties of the governing board established by  
100 this ~~chapter~~ article. For purposes of this ~~chapter~~ article,  
101 the State Board of Education shall not be deemed to be or  
102 authorized to function as the employer or the governing board  
103 of any employer covered by this ~~chapter~~ article.

104 (6) PROBATIONARY TEACHER. A teacher who has not  
105 attained tenure.

106 ~~(6)~~ (7) PROFESSIONAL EDUCATOR'S CERTIFICATE. A  
107 certificate or license, by whatever name, designation, or  
108 subclassification known or identified, issued by the State  
109 Department of Education, or recognized under an approved  
110 interstate reciprocity program, and that must be maintained by  
111 the employee in order to be employed as a teacher in the  
112 county and city schools of this state. A professional



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113 educator's certificate does not include provisional,  
114 alternative, or emergency certificates, or certificates or  
115 licenses that are issued to instructional aides or assistants,  
116 to substitute teachers, or to business, technical,  
117 operational, or other employees whose job duties do not  
118 require or entail the instruction of students or the regular  
119 supervision of or interaction with employees with such job  
120 duties.

121 ~~(7)~~ (8) SCHOOL YEAR. The period beginning with the first  
122 day of the annual school term and ending with the last day of  
123 the annual school term on which classroom instructors are  
124 required to report for duty, as established by the governing  
125 board. For a two-year educational institution, the school year  
126 shall be deemed to begin on the first day of the fall academic  
127 semester and continuing through the final day of the spring  
128 academic semester, but shall not include the summer academic  
129 semester.

130 ~~(8)~~ (9) TEACHER.

131 a. All employees of entities that are covered by this  
132 ~~chapter article~~ who are required by law, ~~regulation rule~~, or  
133 employer policy to maintain a professional educator's  
134 certificate issued by the State Department of Education and  
135 who are employed by a city or county board of education, the  
136 Alabama Institute for Deaf and Blind, or educational and  
137 correctional institutions under the control of the Department  
138 of Youth Services. The term also includes instructors employed  
139 by two-year educational institutions operated under the  
140 authority and control of the ~~Department of Postsecondary~~



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141 ~~Education~~ Board of Trustees of the Alabama Community College  
142 System and principals who had attained tenure under prior law,  
143 but who have not elected to become contract principals under  
144 subsection (h) of Section 16-24B-3.

145 b. The term does not include ~~an~~ any of the following:

146 1. An employer's chief executive officer, chief school  
147 financial officer, or a principal who is employed as or who  
148 has elected to become a contract principal under subsection  
149 (h) of Section 16-24B-3, whether or not certification is  
150 required for those positions by law or policy, ~~and does not~~  
151 ~~include the.~~

152 2. An assistant administrative officer who is employed  
153 as or who has elected to become a contract assistant  
154 administrative officer under subsection (h) of Section  
155 16-24B-52, whether or not certification is required for those  
156 positions by law or policy.

157 3. Executive and administrative management, including  
158 the president ~~or,~~ vice president, deans, executive directors,  
159 directors, deputies, or chiefs of a public two-year  
160 educational institution of higher education operated under the  
161 authority and control of the ~~Department of Postsecondary~~  
162 ~~Education~~ Board of Trustees of the Alabama Community College  
163 System. ~~A probationary teacher is a teacher who has not~~  
164 ~~attained tenure."~~

165 Section 2. The Teacher Accountability Act, Chapter 24B  
166 of Title 16, consisting of Sections 16-24B-1 through 16-24B-8,  
167 Code of Alabama 1975, is designated as Article 1, Chapter 24B,  
168 Title 16, Code of Alabama 1975. Article 2, is added to Chapter



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169 24B of Title 16, Code of Alabama 1975, to read as follows:

170 Article 2. Assistant Administrator Accountability Act.

171 §16-24B-50. Short title.

172 This article shall be known and may be cited as the  
173 Assistant Administrator Accountability Act.

174 §16-24B-51. Definitions.

175 As used in this article, the following terms have the  
176 following meanings:

177 (1) ASSISTANT ADMINISTRATIVE OFFICER. Includes only  
178 those individuals hired before July 1, 2024, and certified for  
179 their position as prescribed by the State Board of Education  
180 and who are employed by an employing board as an assistant  
181 superintendent, assistant chief school finance officer, or  
182 assistant principal of a school system or school, including a  
183 vocational center.

184 (2) CHIEF EXECUTIVE OFFICER. The same as defined in  
185 Section 16-24B-2.

186 (3) CONTRACT ASSISTANT ADMINISTRATIVE OFFICER. Includes  
187 only those individuals hired on or after July 1, 2024, and  
188 certified for their position as prescribed by the State Board  
189 of Education and who are employed by a participating employing  
190 board as an assistant superintendent, assistant chief school  
191 finance officer, or assistant principal of a school system or  
192 school, including a vocational center, pursuant to this  
193 article.

194 (4) CONTRACT YEAR. The same as defined in Section  
195 16-24B-2.

196 (5) DAY. The same as defined in Section 16-24B-2.





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197 (6) EMPLOYING BOARD. The same as defined in Section  
198 16-24B-2.

199 (7) MEDIATOR. The same as defined in Section 16-24B-2.

200 (8) PARTICIPATING EMPLOYING BOARD. An employing board  
201 that elects to employ assistant administrative officers  
202 pursuant to contracts as provided by this article.

203 (9) PROBATIONARY ASSISTANT ADMINISTRATIVE OFFICER. Any  
204 assistant superintendent, assistant chief school finance  
205 officer, or assistant principal hired for the first time in  
206 any local school system or school as an assistant  
207 superintendent, assistant chief school finance officer, or  
208 assistant principal on or after July 1, 2024.

209 §16-24B-52. Assistant administrative officers;  
210 probationary and contract assistant administrative officers.

211 (a) Any other provision of law to the contrary  
212 notwithstanding, any individual employed as an assistant  
213 administrative officer in the public schools in Alabama on or  
214 after July 1, 2024, at the election of a participating  
215 employing board and upon the recommendation of the chief  
216 executive officer, may be employed as a probationary assistant  
217 administrative officer for up to one full contract year;  
218 provided, however, that if the individual is being employed as  
219 an assistant administrative officer for the first time, the  
220 probationary period may be for up to two full contract years.  
221 After completion of the probationary period, the same  
222 participating employing board, upon the recommendation of the  
223 chief executive officer, shall either offer the probationary  
224 assistant administrative officer not less than a three-year



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225 contract pursuant to this section or terminate the  
226 probationary assistant administrative officer for any reason,  
227 or without a stated reason, as the case may be. In the case of  
228 a probationary assistant administrative officer who is  
229 terminated prior to the end of the school year, the  
230 probationary assistant administrative officer shall be  
231 entitled to the hearing process as described in this section.  
232 Any contract assistant administrative officer hired on or  
233 after July 1, 2024, to work in the capacity of a contract  
234 assistant administrative officer in a public school in the  
235 state shall be properly certified and shall be employed  
236 pursuant to a written contract for an initial period of not  
237 less than three years. The initial contract of not less than  
238 three years may only be canceled for cause as described in  
239 subdivision (e) (1). If the contract is canceled for cause  
240 related to failure to perform duties in a satisfactory manner,  
241 as evidenced by an unsatisfactory evaluation, the chief  
242 executive officer and the participating employing board shall  
243 be subject to the review provisions described in subsection  
244 (j).

245 (b) Subject to the procedures described in subsection  
246 (c), in the case of a contract assistant administrative  
247 officer after the probationary term of the contract, the  
248 contract shall be renewed for a period not less than three  
249 years, and shall contain a provision for cancellation during  
250 the term of the contract only for just cause, described in  
251 subdivision (e) (1).

252 (c) Notwithstanding whether the contract is the initial



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253 contract or otherwise, should the chief executive officer make  
254 a recommendation to the participating employing board followed  
255 by a majority vote of the board not to offer a new, renewed,  
256 or extended contract to the contract assistant administrative  
257 officer, the vote of the participating employing board shall  
258 be made at least 90 days before the end of the existing  
259 contract. The recommendation shall contain written notice of  
260 the decision of the chief executive officer and the reasons  
261 for the decision to nonrenew the contract. Notice shall be  
262 provided to the contract assistant administrative officer  
263 either by personal service or by certified mail, return  
264 receipt requested, mailed to the last known address of the  
265 contract assistant administrative officer. The decision of the  
266 chief executive officer and the participating employing board  
267 may be based on any reason except personal or political  
268 reasons.

269 (d) Nothing in this section or article shall be  
270 construed to confer continuing service status or  
271 nonprobationary status on any contract or probationary  
272 assistant administrative officer.

273 (e) (1) A participating employing board may cancel the  
274 contract of a contract assistant administrative officer for  
275 cause at any time for any of the following reasons:

276 a. Immorality.

277 b. Insubordination.

278 c. Neglect of duty.

279 d. Conviction of a felony or a crime involving moral  
280 turpitude.



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281 e. Failure to fulfill the duties and responsibilities  
282 imposed upon an assistant administrative officer by law.

283 f. Willful failure to comply with policy of the  
284 participating employing board.

285 g. A justifiable decrease in the number of positions  
286 due to decreased enrollment or decreased funding.

287 h. Failure to maintain his or her certificate in a  
288 current status.

289 i. Incompetency.

290 j. Failure to perform duties in a satisfactory manner.

291 k. Other good and just cause.

292 (2) Within five days of the action of the participating  
293 employing board of canceling or nonrenewing the contract of a  
294 contract assistant administrative officer, the participating  
295 employing board shall provide written notice pursuant to  
296 subsection (c) to the contract assistant administrative  
297 officer with a statement of the reasons upon which the action  
298 was taken.

299 a. Within 10 days after the date of receipt of notice  
300 provided to a contract assistant administrative officer  
301 informing him or her of an action by the participating  
302 employing board to nonrenew the assistant administrative  
303 officer's contract at the end of the current term of the  
304 contract, the contract assistant administrative officer, by  
305 filing written notice with the chief executive officer, may  
306 request a nonjury, expedited evidentiary hearing to  
307 demonstrate that the chief executive officer's or supervisor's  
308 recommendation to nonrenew the contract was impermissibly



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309 based upon a personal or political reason, or the  
310 recommendation was approved based upon personal or political  
311 reasons of the chief executive officer, supervisor, or the  
312 participating employing board, which shall be the sole issues  
313 at the hearing. The contract assistant administrative officer  
314 shall bear the burden of proof by a preponderance of the  
315 evidence. The hearing shall be held before the circuit court  
316 in the judicial circuit of the county in which the  
317 participating employing board sits. The expedited evidentiary  
318 hearing shall be binding on all parties. Promptly after  
319 delivering a written request for a hearing, the contract  
320 assistant administrative officer, or his or her designee,  
321 shall file with the appropriate circuit court a request for an  
322 expedited hearing and shall provide a copy of the request to  
323 the applicable chief executive officer.

324         b. In the case of a contract assistant administrative  
325 officer who is recommended for cancellation for cause pursuant  
326 to subdivision (1), within 10 days after the date of receipt  
327 by the contract assistant administrative officer of the notice  
328 informing him or her of an action by the participating  
329 employing board to cancel the assistant administrative  
330 officer's contract for cause as provided in subdivision (1),  
331 the contract assistant administrative officer, by filing  
332 written notice with the chief executive officer, may request a  
333 nonjury, expedited evidentiary hearing before the circuit  
334 court in the county in which the participating employing board  
335 sits. The chief executive officer shall provide notice to the  
336 circuit court promptly after receiving notice, that the



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337 participating employing board requests the nonjury, expedited  
338 evidentiary hearing. At the hearing the participating  
339 employing board shall bear the burden to prove, by a  
340 preponderance of the evidence, that the cancellation is solely  
341 for cause pursuant to subdivision (1).

342 (3) All contract assistant administrative officers  
343 shall be entitled to an expedited evidentiary hearing process,  
344 which shall occur within 45 days after the chief executive  
345 officer's or the contract assistant administrative officer's  
346 request, as the case may be, for an expedited hearing pursuant  
347 to subdivision (2). If the circuit court determines that it is  
348 not able to complete the expedited evidentiary hearing within  
349 the 45-day period, the court shall refer the parties to a  
350 mediator to conduct the expedited evidentiary hearing within  
351 45 days after the chief executive officer's or the contract  
352 assistant administrative officer's request for the expedited  
353 hearing. The written decision of the mediator shall be binding  
354 on the parties.

355 (4) The contract assistant administrative officer may  
356 request reinstatement at the expedited evidentiary hearing. If  
357 such an action is initiated by the contract assistant  
358 administrative officer, the pay and benefits of the contract  
359 assistant administrative officer shall be discontinued only  
360 upon a final order denying reinstatement by the circuit court  
361 or the mediator.

362 (f) (1) Failure to file a timely request for an  
363 expedited evidentiary hearing, unless excused by the court or  
364 the mediator, shall result in a waiver of the right to appeal



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365 the decision of the participating employing board. No further  
366 action is necessary by the participating employing board.

367 (2) At the end of the term of the probationary  
368 contract, or any subsequent contract, absent a written  
369 recommendation by the chief executive officer for cancellation  
370 or nonrenewal and an acceptance of that recommendation by a  
371 majority vote of the participating employing board, the  
372 participating employing board shall enter into a new contract  
373 with the contract assistant administrative officer for a  
374 period of not less than three years.

375 (g) The decision of the circuit court or mediator shall  
376 be final and exclusively appealable to the Alabama Court of  
377 Civil Appeals, as a nonevidentiary appeal in which review is  
378 limited to the record from the expedited evidentiary hearing  
379 as provided for in this article.

380 (h) (1) Any assistant administrative officer hired  
381 before July 1, 2024, who has not obtained continuing service  
382 status with an employing board under prior law and any  
383 assistant administrative officer who attained continuing  
384 service status under prior law before July 1, 2024, may  
385 voluntarily and irrevocably relinquish his or her continuing  
386 service status as an assistant administrative officer and  
387 elect to be employed by contract.

388 (2) The relinquishment of continuing service status and  
389 election to serve under contract shall be made in writing to  
390 the participating employing board at least 30 days before the  
391 start of the immediately succeeding scholastic year to be  
392 effective in that scholastic year, and thereafter.



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393 (i) (1) The chief executive officer, or his or her  
394 designee, shall at least annually evaluate the performance of  
395 each contract assistant administrative officer. The evaluation  
396 shall be performed in a manner prescribed by the State Board  
397 of Education.

398 (2) The participating employing board, upon the written  
399 recommendation of the chief executive officer, may at any time  
400 enter into a new contract of not less than three years with  
401 the contract assistant administrative officer. In the event of  
402 an unsatisfactory but remediable performance on the evaluation  
403 as prescribed by the State Board of Education, a conference  
404 shall be held with the contract assistant administrative  
405 officer and a specific plan of professional development shall  
406 be presented by the chief executive officer, which specifies  
407 the area or areas of unsatisfactory performance and recommends  
408 a plan to correct the unsatisfactory performance. The contract  
409 assistant administrative officer shall complete the specific  
410 plan of professional development prior to the next evaluation.  
411 In the event of an evaluation indicating unsatisfactory  
412 performance as prescribed by the State Board of Education, the  
413 chief executive officer shall either recommend to the  
414 participating employing board cancellation of the contract for  
415 cause as outlined in subdivision (e) (1) or a conference shall  
416 be held with the contract assistant administrative officer and  
417 a specific plan of professional development shall be presented  
418 by the chief executive officer, which specifies the area of  
419 unsatisfactory performance and recommends a plan to correct  
420 the unsatisfactory performance. The contract assistant





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421 administrative officer shall complete the specific plan of  
422 professional development prior to the next evaluation.

423 (j) (1) Within 15 days after an unsatisfactory  
424 evaluation as prescribed by the State Board of Education and  
425 upon receipt of a recommendation by the chief executive  
426 officer for cancellation of the contract for cause as outlined  
427 in subdivision (e) (1), a contract assistant administrative  
428 officer, in writing to the chief executive officer, may  
429 request a review of the evaluation.

430 (2) The review of the evaluation shall be conducted by  
431 an independent third-party evaluator who shall determine  
432 whether sufficient cause exists for the unsatisfactory finding  
433 and be chosen in the following manner:

434 a. Within five days after the request for a review of  
435 the evaluation, the chief executive officer or designee shall  
436 request a list of five individuals who are certified to  
437 evaluate contract assistant administrative officers from the  
438 State Department of Education.

439 b. From the list described in paragraph a., the chief  
440 executive officer and the contract assistant administrative  
441 officer shall each strike two names.

442 c. The State Superintendent of Education shall  
443 designate an evaluator from the name or names remaining.

444 (3) The review of the evaluation shall be completed  
445 within 30 days after the request for a review of the  
446 evaluation is received by the chief executive officer.

447 (4)a. If the result of the review of the evaluation  
448 overturns the unsatisfactory evaluation, then the contract of



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449 the contract assistant administrative officer shall be  
450 continued for the remainder of the term of the contract  
451 subject to subdivision (e)(1).

452 b. If the result of the review of the evaluation  
453 upholds the unsatisfactory evaluation, the contract assistant  
454 administrative officer shall be informed of the reasons for  
455 the upholding of the unsatisfactory evaluation and the  
456 contract of the contract assistant administrative officer  
457 shall be canceled.

458 (k) Except as provided in subsection (h), the contract  
459 of an assistant administrative officer holding the position on  
460 July 1, 2024, shall not be canceled, nonrenewed, reduced, or  
461 changed in compensation or continuing service status, or time  
462 toward continuing service status, due to the enactment of this  
463 article.

464 (1)(1) Any decision not to continue the employment of a  
465 probationary assistant administrative officer or contract  
466 assistant administrative officer shall be made by a majority  
467 vote of the participating employing board upon the written  
468 recommendation of the chief executive officer.

469 (2) The decision not to continue the employment of a  
470 contract assistant administrative officer shall cancel the  
471 employment relationship between the participating employing  
472 board and the contract assistant administrative officer  
473 effective at the end of the current contract period.

474 (3) Any contract assistant administrative officer who  
475 had attained continuing service status in a position other  
476 than as an assistant administrative officer with the



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477 participating employing board before becoming a contract  
478 assistant administrative officer shall retain that previously  
479 earned status and be returned to a similar status position  
480 within a reasonable time after the cancellation or nonrenewal  
481 of his or her contract as an assistant administrative officer  
482 with the participating employing board, provided that the  
483 cause for cancellation is not for conviction of a felony or  
484 crime involving moral turpitude.

485 (m) (1) Commencing on July 1, 2024, an employing board  
486 may elect to employ assistant administrative officers pursuant  
487 to this article on a contract basis in lieu of the tenure  
488 process provided in Chapter 24C, the Students First Act of  
489 2011. After an election is made, the participating employing  
490 board may not revert back to the tenure process without the  
491 passage of a local legislative act.

492 (2) Upon passage of a local legislative act mandating  
493 reversion, the terms and conditions of any contract executed  
494 pursuant to this article shall be fulfilled and any contract  
495 assistant administrative officer who had previously attained  
496 continuing service status with the employing board under the  
497 Students First Act of 2011, before becoming a contract  
498 assistant administrative officer, shall revert back to his or  
499 her previously earned status and be returned to a similar  
500 status position.

501 (n) If a contract assistant administrative officer is  
502 not evaluated as required by this section, his or her contract  
503 shall be extended one additional contract year for each  
504 contract year not evaluated up to three years.



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505 (o) The chief executive officer shall make a timely  
506 written recommendation to the participating employing board  
507 regarding the continued employment of a probationary assistant  
508 administrative officer at the end of his or her probationary  
509 period and the continued employment of a contract assistant  
510 administrative officer at the end of his or her contract.  
511 Failure of the chief executive officer to make a  
512 recommendation shall not in any way prejudice the probationary  
513 assistant administrative officer or contract assistant  
514 administrative officer.

515 §16-24B-53. Assistant administrative officers;  
516 cancellation of contract.

517 (a) Notwithstanding any other provision of this  
518 article, the employment contract of an assistant  
519 administrative officer or contract assistant administrative  
520 officer, whose certificate is revoked by the State  
521 Superintendent of Education pursuant to Section 16-23-5(b),  
522 shall be immediately canceled.

523 (b) If the conviction resulting in the revocation of  
524 the certificate pursuant to Section 16-23-5(b) is overturned  
525 on appeal, the State Superintendent of Education, upon receipt  
526 of notice of the reversal shall immediately reinstate the  
527 certificate of the assistant administrative officer or  
528 contract assistant administrative officer, and the employing  
529 board or participating employing board, at its discretion,  
530 shall place the assistant administrative officer or contract  
531 assistant administrative officer in a position commensurate  
532 with the employee's licensure from the State Department of



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533 Education or on paid administrative leave. Regardless of  
534 whether the certificate of the assistant administrative  
535 officer or contract assistant administrative officer is  
536 reinstated or a new employment contract is entered into, the  
537 assistant administrative officer or contract assistant  
538 administrative officer, within 45 days, shall be reimbursed  
539 for any back pay, plus benefits, from the date of  
540 cancellation, up to and including the date his or her  
541 conviction is overturned.

542 (c) Nothing in this section shall be construed to  
543 preclude the State Superintendent of Education or the  
544 employing board or participating employing board from pursuing  
545 other legal action against the assistant administrative  
546 officer or contract assistant administrative officer based  
547 upon the underlying circumstances of the conviction.

548 §16-24B-54. Assistant administrative officers; duties.

549 (a) Subject to the authority of the chief executive  
550 officer and the employing board or participating employing  
551 board, an assistant administrative officer and contract  
552 assistant administrative officer shall assist his or her  
553 supervisor with the supervision of the daily operation and  
554 management of personnel, finances, facilities, and other  
555 matters of the school or campus for which the assistant  
556 administrative officer or contract assistant administrative  
557 officer is responsible. An assistant administrative officer  
558 and contract assistant administrative officer shall assist  
559 with the administrative responsibility and instructional  
560 leadership, as directed by the chief executive officer or his



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561 or her supervisor, consistent with the policies of the  
562 employing board or participating employing board, for the  
563 planning, management, operation, and evaluation of the  
564 education program of the school system, department, and each  
565 school or campus, or both, under the responsibility of the  
566 assistant administrative officer or contract assistant  
567 administrative officer.

568 (b) An assistant administrative officer and contract  
569 assistant administrative officer shall observe all rules,  
570 policies, and procedures relative to the operation of the  
571 public schools as established by applicable law, rule, and  
572 standard of both the State Board of Education and the  
573 employing board or participating employing board.

574 (c) An assistant administrative officer and contract  
575 assistant administrative officer shall perform all other  
576 duties assigned by the chief executive officer, consistent  
577 with the policies of the employing board or participating  
578 employing board and the law.

579 (d) An assistant administrative officer and contract  
580 assistant administrative officer, if asked by his or her  
581 supervisor, shall make written advisory recommendations to the  
582 chief executive officer or his or her supervisor, or both,  
583 regarding the appointment, assignment, promotion, transfer,  
584 and cancellation of the contracts of all personnel assigned to  
585 the school system, department, and any school or campus under  
586 his or her responsibility. Advisory recommendations are not  
587 binding upon the chief executive officer or the supervisor of  
588 the assistant administrative officer or the contract assistant



## SB33 Engrossed

589 administrative officer, and the chief executive officer shall  
590 have final authority for all personnel assignments within the  
591 applicable school system.

592 §16-24B-55. Appeals.

593 (a) All appeals of a final decision from the expedited  
594 evidentiary hearing shall lie with the Alabama Court of Civil  
595 Appeals. An appeal shall be filed within 14 days after the  
596 receipt of the final written decision of the circuit judge or  
597 the mediator. An appeal by either party shall be perfected by  
598 filing a written notice of appeal with the clerk of the Court  
599 of Civil Appeals within 14 days after the receipt of the final  
600 written decision of the circuit judge or the mediator by the  
601 party. Failure to file a timely notice of appeal shall render  
602 the decision of the circuit judge or the mediator final.  
603 Within 28 days after an appeal is filed, the chief executive  
604 officer shall transmit the record to the clerk. Failure of the  
605 chief executive officer to timely transmit a full and accurate  
606 record to the clerk shall result in a favorable decision being  
607 entered by the court for the contract assistant administrative  
608 officer.

609 (b) The decision of the circuit judge or the mediator  
610 shall be affirmed on appeal unless the Court of Civil Appeals  
611 finds the decision to be against the great weight of the  
612 evidence.

613 (c) The final written decision of a judge or mediator  
614 which is not appealed, or is affirmed on appeal, shall have  
615 the force and effect of a final judgment upon which execution  
616 may issue, or which may be enforced by other appropriate writ.



## SB33 Engrossed

617 §16-24B-56. Preliminary certificate; breach of  
618 assistant administrative officer employment contract.

619 (a) An individual who has not completed a teacher  
620 education program in Principal or Educational Administrator  
621 may be eligible for a preliminary certificate, which could  
622 lead to full certification by the State Department of  
623 Education under rules approved by the State Board of  
624 Education.

625 (b) No action shall lie for the recovery of damages for  
626 the breach of any employment contract of a contract assistant  
627 administrative officer in the public schools.

628 §16-24B-57. Opposition to employment action.

629 It shall be unlawful for an employing board or  
630 participating employing board to cancel or reduce the contract  
631 of a teacher, assistant administrative officer, or contract  
632 assistant administrative officer or to transfer, reprimand, or  
633 discipline a teacher because the teacher opposed any  
634 employment action under this article or this title.

635 Section 3. Any provision of the Students First Act of  
636 2011 to the contrary notwithstanding, any executive and  
637 administrative management personnel hired on or after July 1,  
638 2024, including a president, vice president, dean, executive  
639 director, director, deputy, or chief by a public two-year  
640 institution of higher education under the authority and  
641 control of the Board of Trustees of the Alabama Community  
642 College System shall be employed on a contract basis as  
643 provided by rule of the board.

644





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645                   Section 4. This act shall become effective on July 1,  
646    2024.



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648  
649 Senate

650 Read for the first time and referred .....06-Feb-24  
651 to the Senate committee on Education  
652 Policy  
653  
654 Read for the second time and placed .....07-Feb-24  
655 on the calendar:  
656 0 amendments  
657  
658 Read for the third time and passed .....19-Mar-24  
659 as amended  
660 Yeas 33  
661 Nays 0  
662 Abstains 0  
663  
664

Patrick Harris,  
Secretary.

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