

HB344 INTRODUCED



1 HB344
2 MSSTK1H-1
3 By Representative Collins
4 RFD: Education Policy
5 First Read: 27-Feb-25



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SYNOPSIS:

Under existing law, local boards of education operating under educational intervention may be released from intervention by the State Board of Education without conditions and may be returned to intervention only after following certain specific procedures.

This bill would authorize the State Superintendent to summon witnesses and subpoena records and other information during an educational intervention and to return a local board of education to educational intervention, within five years after the original release from educational intervention, if the specific conditions of the release are not satisfied.

A BILL
TO BE ENTITLED
AN ACT

Relating to public K-12 schools; to amend Section 16-6E-4, Code of Alabama 1975; to authorize the State Superintendent of Education to summon witnesses and subpoena certain records and information during an educational



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29 intervention; and to authorize the State Superintendent of
30 Education to reinstate educational intervention for a local
31 board of education that has been released from educational
32 intervention for less than five years and has not satisfied
33 specific conditions of the release.

34 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

35 Section 1. Section 16-6E-4 of the Code of Alabama 1975,
36 is amended to read as follows:

37 "§16-6E-4

38 The State Board of Education may intervene in the
39 educational operations of a ~~city or county~~ local board of
40 education and ~~thereby~~ assume general and direct control over
41 all decision making and operational functions of the ~~city or~~
42 ~~county~~ local board of education under and subject to the
43 following terms and conditions:

44 (1) If the State Superintendent of Education determines
45 that a majority of the schools in the system are priority
46 schools, or the system is not in compliance with Chapter 13A
47 ~~of this title~~ or the accreditation status of the system or a
48 majority of the schools in the system has been placed on
49 probation, or suspended, or revoked, or if any other formal
50 disciplinary action has been ordered by the accrediting
51 authority, the State Superintendent of Education shall issue a
52 written notice to the local superintendent of education and
53 the presiding officer of the ~~city or county~~ local board of
54 education to show cause why educational intervention should
55 not be implemented. The notice shall specify the deficiencies
56 within the operation of the ~~city or county~~ local board of



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57 education, the steps that are required to be taken to correct
58 the deficiencies, and a reasonable timetable for completing
59 the corrective measures, which timetable may be extended by
60 the State Superintendent of Education. The notice shall
61 require that the recipient board provide a specific written
62 response to the notice, which response shall be filed with the
63 State Superintendent of Education not less than 21 calendar
64 days after the date the notice was issued, unless the time for
65 filing the response is extended by the State Superintendent of
66 Education. In its response, the ~~city or county~~ local board of
67 education may offer reasons why intervention is not warranted
68 or, in the alternative, a specific plan and timetable for
69 correcting the deficiencies identified in the notice to show
70 cause.

71 (2) If, based on the response of the ~~city or county~~
72 local board of education to the notice to show cause or other
73 relevant circumstances and considerations, the State
74 Superintendent of Education determines that educational
75 intervention is not warranted or should be deferred, the ~~city~~
76 ~~or county~~ local board of education shall be notified of ~~such~~
77 that determination.

78 (3) If, in light of the response of the ~~city or county~~
79 local board of education, the State Superintendent of
80 Education concludes that educational intervention is
81 nonetheless warranted, but that the plan proposed by the ~~city~~
82 ~~or county~~ local board of education for correcting the
83 deficiencies set forth in the notice is acceptable, with or
84 without ~~such~~ the modifications ~~as may be~~ required by the State



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85 Superintendent of Education, the ~~city or county~~ local board of
86 education shall be notified of ~~such~~ that determination. The
87 plan, with any modifications ~~thereto that may be~~ required by
88 the State Superintendent of Education, shall thereafter be
89 implemented according to its terms.

90 (4) If the approved plan is not implemented or if the
91 response to the notice to show cause does not include a plan
92 that, in the judgment of the State Superintendent of
93 Education, adequately addresses the deficiencies that prompted
94 issuance of the notice, the State Superintendent of Education
95 shall request in writing that the State Board of Education
96 approve a resolution authorizing the State Superintendent of
97 Education to intervene in the operations of the ~~city or county~~
98 local board of education. The request of the State
99 Superintendent of Education shall include a description of the
100 conditions and circumstances supporting the request, a copy of
101 the response of the ~~city or county~~ local board of education to
102 the notice to show cause why educational intervention should
103 not be implemented, an explanation of why the response of the
104 ~~city or county~~ local board of education to the notice to show
105 cause does not adequately address the deficiencies identified
106 in the notice, and a proposed plan for correcting the
107 deficiencies. The ~~city or county~~ local board of education that
108 is the subject of the request shall be notified ~~thereof~~ by the
109 State Superintendent of Education and shall be provided with a
110 copy of the request of the State Superintendent of Education
111 and any material accompanying or submitted in support of the
112 request. Before any vote of the State Board of Education on



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113 the request, the ~~city or county~~ local board of education that
114 is the subject of the request shall be afforded an opportunity
115 to demonstrate in writing to the State Board of Education why
116 ~~such~~ the action is not warranted or should not be approved and
117 to appear before the State Board of Education for ~~such~~ that
118 purpose ~~prior to~~ before a vote being taken on the request for
119 educational intervention.

120 (5) The State Board of Education shall authorize
121 intervention under this chapter on the basis of the
122 deficiencies and supporting data cited in support of the
123 request for intervention authority of the State Superintendent
124 of Education and upon a finding that the ~~city or county~~ local
125 board of education has demonstrated an unwillingness or
126 inability to voluntarily comply with the standards provided in
127 subdivision (1) and the requirements specified in the request
128 of the State Superintendent of Education. The resolution by
129 which educational intervention is authorized shall describe
130 with reasonable specificity the criteria or conditions that
131 are required to be satisfied by the ~~city or county~~ local board
132 of education in order to be released from intervention. If the
133 State Board of Education approves a resolution authorizing
134 educational intervention, the State Superintendent of
135 Education may exercise plenary authority to make ~~such~~
136 decisions or take ~~such~~ actions as he or she reasonably deems
137 necessary to correct the deficiencies that led to the request
138 for approval of intervention or that may be discovered in the
139 exercise of intervention authority. Educational intervention
140 authority may be exercised directly by the State



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141 Superintendent of Education or indirectly through his or her
142 designee acting as a chief administrative officer who shall be
143 appointed by, report to, and serve in ~~such~~ that capacity at
144 the pleasure and under the supervision of the State
145 Superintendent of Education. The chief administrative officer
146 may act on behalf of the State Superintendent of Education for
147 all purposes under this chapter. If the State Superintendent
148 of Education appoints a chief administrative officer, that
149 officer shall be designated by name in a resolution presented
150 to the State Board of Education.

151 (6) While a ~~city or county~~ local board of education is
152 operating under educational intervention, the State
153 Superintendent of Education or the chief administrative
154 officer ~~shall have the power and authority to~~ may act for and
155 on behalf of the ~~city or county~~ local board of education and
156 its superintendent in all matters and for all purposes under
157 ~~the Code of Alabama 1975~~ state law. The State Superintendent
158 of Education may summon any witness to appear and give
159 testimony, and summon by subpoena duces tecum any records,
160 books, or other information of any kind relating to any matter
161 which the State Department of Education or the State Board of
162 Education has authority to administer or regulate, including
163 educational intervention. No decision, action, or undertaking
164 made or approved by the State Superintendent of Education or
165 chief administrative officer shall require the separate
166 recommendation, concurrence, or approval of any ~~city or county~~
167 local board of education or any official thereof in order to
168 be deemed final, valid, or enforceable. While under



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169 educational intervention, a ~~city or county~~ local board of
170 education, with the approval of the State Superintendent of
171 Education or the chief administrative officer, may meet
172 according to a schedule and agenda that are approved in
173 advance by the State Superintendent of Education or the chief
174 administrative officer and are subject to modification only at
175 the direction or with the express approval of the State
176 Superintendent of Education or the chief administrative
177 officer. Otherwise, the ~~city or county~~ local board of
178 education shall meet only at the call of and for specific
179 purposes approved by the State Superintendent of Education or
180 the chief administrative officer. While under educational
181 intervention, ~~city and county~~ local boards of education and
182 their officials and employees shall serve under the
183 supervision and direction of the State Superintendent of
184 Education or the chief administrative officer. The State
185 Superintendent of Education or the chief administrative
186 officer may delegate to the employees of the State Department
187 of Education or ~~city or county~~ local board of education
188 officials or employees such administrative authority and
189 responsibilities as they may deem necessary to ensure the
190 timely, practical, and efficient execution of normal
191 educational functions, and, at the expense of the ~~city or~~
192 ~~county~~ local board of education, may engage and direct the
193 activities of ~~such~~ consultants, specialists, or employees as
194 they deem necessary to achieve the objectives of the
195 intervention.

196 (7) Personnel actions that the State Superintendent of



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197 Education or the chief administrative officer deem necessary
198 and appropriate to the attainment of intervention objectives
199 may be implemented directly by ~~such~~ those officials. Personnel
200 actions taken pursuant to the intervention authority of the
201 State Superintendent of Education ~~must~~ shall comply with
202 Chapter 24C ~~of this title~~, the Students First Act of 2011, if
203 and to the extent that the Students First Act of 2011 would
204 otherwise control, except that the State Superintendent of
205 Education shall discharge the functions that would otherwise
206 be executed by the local superintendent and board of education
207 under the Students First Act of 2011. Intervention-related
208 personnel actions shall also be described by the State
209 Superintendent of Education or the chief administrative
210 officer in a written report that shall include the specific
211 personnel actions to be taken and an explanation of how ~~such~~
212 those actions serve the attainment of one or more intervention
213 objectives. At the direction of the State Superintendent of
214 Education or the chief administrative officer, and as soon as
215 practicable following its issuance, the report shall be
216 entered into the minutes of the ~~city or county~~ local board of
217 education and the nature of individual personnel actions shall
218 be suitably memorialized in the personnel files of affected
219 employees and in databases or other records maintained for
220 ~~such~~ those purposes by the ~~city or county~~ local board of
221 education. No delay or irregularity in the transmittal or
222 recordation of the foregoing report or related data shall
223 invalidate or impair the timely implementation of
224 intervention-related personnel actions as prescribed by the



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225 State Superintendent of Education or the chief administrative
226 officer. Personnel actions that are deemed advisable or
227 appropriate but that are not identified as related to the
228 attainment of intervention objectives by the State
229 Superintendent of Education or the chief administrative
230 officer may be initiated and acted on by ~~city or county~~ local
231 board officials. Such actions shall be taken in accordance
232 with Chapter 24C ~~of this title~~, the Students First Act of
233 2011, or other generally applicable statutory requirements,
234 policies, and procedures if the proposed actions would
235 otherwise be subject to ~~such~~ those statutes, policies, and
236 procedures and if they are first authorized by the State
237 Superintendent of Education or the chief administrative
238 officer.

239 (8) The State Superintendent of Education shall report
240 to the State Board of Education regarding the status of
241 intervention in the affected ~~city or county~~ local school
242 system periodically or at the request of the State Board of
243 Education and, in any event, not less than once every six
244 months.

245 (9) A ~~city or county~~ local board of education may be
246 provisionally released from educational intervention upon the
247 adoption of a resolution by the State Board of Education
248 authorizing ~~such action~~ the release. A provisional release
249 shall return oversight of the operations of a local school
250 system back to the local board of education. The resolution
251 shall be considered by the State Board of Education upon the
252 written recommendation of the State Superintendent of



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253 ~~Education or upon presentation of a written petition~~
254 ~~requesting such action duly executed by at least two-thirds of~~
255 ~~the members of the city or county board of education that is~~
256 ~~operating under educational intervention. The petition shall~~
257 ~~set forth the grounds on which the petition is based and may~~
258 ~~include any evidence that may be relevant to consideration by~~
259 ~~the State Board of Education. Representatives of the city or~~
260 ~~county board of education may also be heard in connection with~~
261 ~~the petition, but no vote shall be taken on the petition by~~
262 ~~the State Board of Education without first soliciting the~~
263 ~~views of the State Superintendent of Education regarding the~~
264 ~~merits of the petition.~~ If, within five years after a
265 provisional release is originally granted, the State
266 Superintendent of Education, in his or her discretion,
267 determines that the local board of education has either not
268 satisfied the conditions of its provisional release or has
269 demonstrated that it is unable to properly oversee the
270 operations of the local school system, the State
271 Superintendent of Education may immediately revoke the
272 provisional release and return the local board of education to
273 educational intervention without further action. A local board
274 of education is only considered fully released from
275 educational intervention if the local board of education is
276 not returned to educational intervention during the five-year
277 period granted by the provisional release. If a local board of
278 education is returned to educational intervention during the
279 five-year period, a new five-year period shall begin upon a
280 subsequent provisional release."



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281 Section 2. This act shall become effective on October
282 1, 2025.