

1 SB18  
2 164335-1  
3 By Senator Brewbaker  
4 RFD: Education & Youth Affairs  
5 First Read: 03-MAR-15  
6 PFD: 02/03/2015

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8 SYNOPSIS: Under existing law, the State Board of  
9 Education may intervene in the educational  
10 operations of a local board of education upon a  
11 determination by the State Superintendent of  
12 Education that certain conditions exist and written  
13 notice by the State Superintendent of Education to  
14 the local board of education to show cause why  
15 intervention should not be implemented.

16 This bill would provide further for the  
17 conditions that warrant issuance of written notice  
18 and would provide that the notice be issued to the  
19 local superintendent of education and the presiding  
20 officer of the local school system in lieu of the  
21 presiding officer of the city or county board of  
22 education.

23  
24 A BILL  
25 TO BE ENTITLED  
26 AN ACT  
27

1           To amend Section 16-6E-4, Code of Alabama 1975,  
2 relating to intervention in local education operations and  
3 assumption of control by the State Board of Education; to  
4 provide further for the conditions that warrant issuance of  
5 written notice; and to provide that notice be issued to the  
6 local superintendent of education and the presiding officer of  
7 the local school system in lieu of the presiding officer of  
8 the city or county board of education.

9 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

10           Section 1. Section 16-6E-4 of the Code of Alabama  
11 1975, is amended to read as follows:

12           "§16-6E-4.

13           "The State Board of Education may intervene in the  
14 educational operations of a city or county board of education  
15 and thereby assume general and direct control over all  
16 decision making and operational functions of the city or  
17 county board of education under and subject to the following  
18 terms and conditions:

19           "~~(1) If the State Superintendent of Education~~  
20 ~~determines that a majority of the schools in the system are~~  
21 ~~priority schools, or the system is not in compliance with~~  
22 ~~Chapter 13A of this title or the accreditation status of the~~  
23 ~~system or a majority of the schools in the system has been~~  
24 ~~placed on probation, or suspended, or revoked, or if any other~~  
25 ~~formal disciplinary action has been ordered by the accrediting~~  
26 ~~authority, the~~ a. The State Superintendent of Education shall  
27 issue a written notice to the local superintendent of

1 education and the presiding officer of the ~~city or county~~  
2 ~~board of education~~ local school system to show cause why  
3 educational intervention should not be implemented.

4 "1. The local school system is in material  
5 noncompliance with statutes, rules, or regulations relating to  
6 any of the following or a combination of material academic,  
7 financial, organizational, operational, and/or safety  
8 noncompliance, and school governance and accountability  
9 including, but not limited to, mandates imposed by or under  
10 authority of Chapter 13A of this title.

11 "2. A majority of the students have failed to meet  
12 the state approved benchmark for state standards or the local  
13 school system has been notified of disciplinary action taken  
14 against it from the accrediting entity recognized by the State  
15 Board of Education.

16 "b. The notice shall specify the deficiencies within  
17 the operation of the city or county board of education, the  
18 steps that are required to be taken to correct the  
19 deficiencies, and a reasonable timetable for completing the  
20 corrective measures, which timetable may be extended by the  
21 State Superintendent of Education. The notice shall require  
22 that the recipient board provide a specific written response  
23 to the notice, which response shall be filed with the State  
24 Superintendent of Education not less than 21 calendar days  
25 after the date the notice was issued, unless the time for  
26 filing the response is extended by the State Superintendent of  
27 Education. In its response, the city or county board of

1 education may offer reasons why intervention is not warranted  
2 or, in the alternative, a specific plan and timetable for  
3 correcting the deficiencies identified in the notice to show  
4 cause.

5 "(2) If, based on the response of the city or county  
6 board of education to the notice to show cause or other  
7 relevant circumstances and considerations, the State  
8 Superintendent of Education determines that educational  
9 intervention is not warranted or should be deferred, the city  
10 or county board of education shall be notified of such  
11 determination.

12 "(3) If, in light of the response of the city or  
13 county board of education, the State Superintendent of  
14 Education concludes that educational intervention is  
15 nonetheless warranted, but that the plan proposed by the city  
16 or county board of education for correcting the deficiencies  
17 set forth in the notice is acceptable, with or without such  
18 modifications as may be required by the State Superintendent  
19 of Education, the city or county board of education shall be  
20 notified of such determination. The plan, with any  
21 modifications thereto that may be required by the State  
22 Superintendent of Education, shall thereafter be implemented  
23 according to its terms.

24 "(4) If the approved plan is not implemented or if  
25 the response to the notice to show cause does not include a  
26 plan that, in the judgment of the State Superintendent of  
27 Education, adequately addresses the deficiencies that prompted

1 issuance of the notice, the State Superintendent of Education  
2 shall request in writing that the State Board of Education  
3 approve a resolution authorizing the State Superintendent of  
4 Education to intervene in the operations of the city or county  
5 board of education. The request of the State Superintendent of  
6 Education shall include a description of the conditions and  
7 circumstances supporting the request, a copy of the response  
8 of the city or county board of education to the notice to show  
9 cause why educational intervention should not be implemented,  
10 an explanation of why the response of the city or county board  
11 of education to the notice to show cause does not adequately  
12 address the deficiencies identified in the notice, and a  
13 proposed plan for correcting the deficiencies. The city or  
14 county board of education that is the subject of the request  
15 shall be notified thereof by the State Superintendent of  
16 Education and shall be provided with a copy of the request of  
17 the State Superintendent of Education and any material  
18 accompanying or submitted in support of the request. Before  
19 any vote of the State Board of Education on the request, the  
20 city or county board of education that is the subject of the  
21 request shall be afforded an opportunity to demonstrate in  
22 writing to the State Board of Education why such action is not  
23 warranted or should not be approved and to appear before the  
24 State Board of Education for such purpose prior to a vote  
25 being taken on the request for educational intervention.

26 "(5) The State Board of Education shall authorize  
27 intervention under this chapter on the basis of the

1 deficiencies and supporting data cited in support of the  
2 request for intervention authority of the State Superintendent  
3 of Education and upon a finding that the city or county board  
4 of education has demonstrated an unwillingness or inability to  
5 voluntarily comply with the standards provided in subdivision  
6 (1) and the requirements specified in the request of the State  
7 Superintendent of Education. The resolution by which  
8 educational intervention is authorized shall describe with  
9 reasonable specificity the criteria or conditions that are  
10 required to be satisfied by the city or county board of  
11 education in order to be released from intervention. If the  
12 State Board of Education approves a resolution authorizing  
13 educational intervention, the State Superintendent of  
14 Education may exercise plenary authority to make such  
15 decisions or take such actions as he or she reasonably deems  
16 necessary to correct the deficiencies that led to the request  
17 for approval of intervention or that may be discovered in the  
18 exercise of intervention authority. Educational intervention  
19 authority may be exercised directly by the State  
20 Superintendent of Education or indirectly through his or her  
21 designee acting as a chief administrative officer who shall be  
22 appointed by, report to, and serve in such capacity at the  
23 pleasure and under the supervision of the State Superintendent  
24 of Education. The chief administrative officer may act on  
25 behalf of the State Superintendent of Education for all  
26 purposes under this chapter. If the State Superintendent of  
27 Education appoints a chief administrative officer, that

1 officer shall be designated by name in a resolution presented  
2 to the State Board of Education.

3 "(6) While a city or county board of education is  
4 operating under educational intervention, the State  
5 Superintendent of Education or the chief administrative  
6 officer shall have the power and authority to act for and on  
7 behalf of the city or county board of education and its  
8 superintendent in all matters and for all purposes under the  
9 Code of Alabama 1975. No decision, action, or undertaking made  
10 or approved by the State Superintendent of Education or chief  
11 administrative officer shall require the separate  
12 recommendation, concurrence, or approval of any city or county  
13 board of education or any official thereof in order to be  
14 deemed final, valid, or enforceable. While under educational  
15 intervention, a city or county board of education, with the  
16 approval of the State Superintendent of Education or the chief  
17 administrative officer, may meet according to a schedule and  
18 agenda that are approved in advance by the State  
19 Superintendent of Education or the chief administrative  
20 officer and are subject to modification only at the direction  
21 or with the express approval of the State Superintendent of  
22 Education or the chief administrative officer. Otherwise, the  
23 city or county board of education shall meet only at the call  
24 of and for specific purposes approved by the State  
25 Superintendent of Education or the chief administrative  
26 officer. While under educational intervention, city and county  
27 boards of education and their officials and employees shall



1 serve under the supervision and direction of the State  
2 Superintendent of Education or the chief administrative  
3 officer. The State Superintendent of Education or the chief  
4 administrative officer may delegate to the employees of the  
5 State Department of Education or city or county board of  
6 education officials or employees such administrative authority  
7 and responsibilities as they may deem necessary to ensure the  
8 timely, practical, and efficient execution of normal  
9 educational functions, and, at the expense of the city or  
10 county board of education, may engage and direct the  
11 activities of such consultants, specialists, or employees as  
12 they deem necessary to achieve the objectives of the  
13 intervention.

14 "(7) Personnel actions that the State Superintendent  
15 of Education or the chief administrative officer deem  
16 necessary and appropriate to the attainment of intervention  
17 objectives may be implemented directly by such officials.  
18 Personnel actions taken pursuant to the intervention authority  
19 of the State Superintendent of Education must comply with  
20 Chapter 24C of this title, the Students First Act of 2011, if  
21 and to the extent that the Students First Act of 2011 would  
22 otherwise control, except that the State Superintendent of  
23 Education shall discharge the functions that would otherwise  
24 be executed by the local superintendent and board of education  
25 under the Students First Act of 2011. Intervention-related  
26 personnel actions shall also be described by the State  
27 Superintendent of Education or the chief administrative

1 officer in a written report that shall include the specific  
2 personnel actions to be taken and an explanation of how such  
3 actions serve the attainment of one or more intervention  
4 objectives. At the direction of the State Superintendent of  
5 Education or the chief administrative officer, and as soon as  
6 practicable following its issuance, the report shall be  
7 entered into the minutes of the city or county board of  
8 education and the nature of individual personnel actions shall  
9 be suitably memorialized in the personnel files of affected  
10 employees and in databases or other records maintained for  
11 such purposes by the city or county board of education. No  
12 delay or irregularity in the transmittal or recordation of the  
13 foregoing report or related data shall invalidate or impair  
14 the timely implementation of intervention-related personnel  
15 actions as prescribed by the State Superintendent of Education  
16 or the chief administrative officer. Personnel actions that  
17 are deemed advisable or appropriate but that are not  
18 identified as related to the attainment of intervention  
19 objectives by the State Superintendent of Education or the  
20 chief administrative officer may be initiated and acted on by  
21 city or county board officials. Such actions shall be taken in  
22 accordance with Chapter 24C of this title, the Students First  
23 Act of 2011, or other generally applicable statutory  
24 requirements, policies, and procedures if the proposed actions  
25 would otherwise be subject to such statutes, policies, and  
26 procedures and if they are first authorized by the State

1 Superintendent of Education or the chief administrative  
2 officer.

3 "(8) The State Superintendent of Education shall  
4 report to the State Board of Education regarding the status of  
5 intervention in the affected city or county system  
6 periodically or at the request of the State Board of Education  
7 and, in any event, not less than once every six months.

8 "(9) A city or county board of education may be  
9 released from educational intervention upon the adoption of a  
10 resolution by the State Board of Education authorizing such  
11 action. The resolution shall be considered by the State Board  
12 of Education upon the written recommendation of the State  
13 Superintendent of Education or upon presentation of a written  
14 petition requesting such action duly executed by at least  
15 two-thirds of the members of the city or county board of  
16 education that is operating under educational intervention.  
17 The petition shall set forth the grounds on which the petition  
18 is based and may include any evidence that may be relevant to  
19 consideration by the State Board of Education. Representatives  
20 of the city or county board of education may also be heard in  
21 connection with the petition, but no vote shall be taken on  
22 the petition by the State Board of Education without first  
23 soliciting the views of the State Superintendent of Education  
24 regarding the merits of the petition."

25 Section 2. This act shall become effective  
26 immediately following its passage and approval by the  
27 Governor, or its otherwise becoming law.

