

SB33 INTRODUCED



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



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SYNOPSIS:

Under the Teacher Accountability Act, public K-12 school principals hired after July 1, 2000, are employed pursuant to a contract with the employing local board of education and not subject to the tenure provisions of the Students First Act of 2011.

This bill would authorize a local board of education to employ 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.

A BILL
TO BE ENTITLED
AN ACT

Relating to public K-12 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,



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29 assistant chief school finance officers, and assistant
30 principals of a school system or school, including a
31 vocational center, hired on or after July 1, 2024, on a
32 contract basis.

33 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

34 Section 1. Section 16-24C-3 of the Code of Alabama
35 1975, is amended to read as follows:

36 "§16-24C-3

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

39 (1) CHIEF EXECUTIVE OFFICER. The chief administrative
40 and executive officer of an entity, institution, agency, or
41 political subdivision of the state that is subject to this
42 ~~chapter~~ article and includes, without limitation,
43 superintendents of city or county boards of education and
44 presidents of two-year educational institutions operated under
45 authority and control of the ~~Department of Postsecondary~~
46 ~~Education~~ Board of Trustees of the Alabama Community College
47 System. The term includes ~~persons~~ individuals serving in such
48 a capacity on an acting or interim basis under lawful
49 appointment or by operation of law.

50 (2) CLASSIFIED EMPLOYEE. All adult bus drivers, all
51 full-time lunchroom or cafeteria workers, janitors,
52 custodians, maintenance personnel, secretaries and clerical
53 assistants, instructional aides or assistants, whether or not
54 certificated, non-certificated supervisors, and, except as
55 hereinafter provided, all other ~~persons~~ individuals who are
56 not teachers as defined herein who are full-time employees of



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57 a city or county board of education, two-year educational
58 institutions operated under the authority and control of the
59 ~~Department of Postsecondary Education~~ Board of Trustees of the
60 Alabama Community College System, the Alabama Institute for
61 Deaf and Blind, including production workers at the Alabama
62 Industries for the Blind, and educational and correctional
63 institutions under the control of the Department of Youth
64 Services. The term does not include the employer's chief
65 executive officer, vice president, ~~or~~ chief school financial
66 officer, or assistant administrative officer as defined in
67 Section 16-24B-51. Full-time employees include adult bus
68 drivers and other employees whose duties require 20 or more
69 hours in each normal working week of the school term,
70 excluding holidays that are recognized by the employer.
71 Employees who are eligible for coverage under the state Merit
72 System are not covered by this ~~chapter~~ article. A probationary
73 classified employee is a classified employee who has not
74 attained nonprobationary status.

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

79 (4) EMPLOYER. The entity, institution, agency, or
80 political subdivision of the state by which an employee who is
81 subject to this ~~chapter~~ article is employed. Employers subject
82 to this ~~chapter~~ article include all city and county boards of
83 education, all educational and correctional institutions under
84 the control of the Department of Youth Services, the Alabama



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85 Institute for Deaf and Blind, and two-year educational
86 institutions operated under the authority and control of the
87 ~~Department of Postsecondary Education~~ Board of Trustees of the
88 Alabama Community College System. Each two-year institution
89 operated under the authority and control of the ~~Department of~~
90 ~~Postsecondary Education~~ Board of Trustees of the Alabama
91 Community College System is a separate employer for purposes
92 of this ~~chapter~~ article.

93 (5) GOVERNING BOARD. The body of elected or appointed
94 officials that is granted authority by law, ~~regulation~~ rule,
95 or policy to make employment decisions on behalf of the
96 employer. If final decision-making authority with respect to
97 employment decisions is conferred by law, ~~regulation~~ rule, or
98 duly adopted policy on an official, administrator, or
99 organizational unit other than a separate governing board, the
100 decision or action of ~~such~~ the official, administrator, or
101 organizational unit, including the president of a two-year
102 educational institution operated under the authority and
103 control of the ~~Department of Postsecondary Education~~ Board of
104 Trustees of the Alabama Community College System, is that of
105 the governing board for purposes of this ~~chapter~~ article, and
106 no additional approval of ~~such~~ the decision or action shall be
107 required. Under ~~such~~ these circumstances, the official,
108 administrator, president, or organizational unit shall assume
109 and exercise the duties of the governing board established by
110 this ~~chapter~~ article. For purposes of this ~~chapter~~ article,
111 the State Board of Education shall not be deemed to be or
112 authorized to function as the employer or the governing board



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113 of any employer covered by this ~~chapter~~ article.

114 (6) PROBATIONARY TEACHER. A teacher who has not
115 attained tenure.

116 ~~(6)~~ (7) PROFESSIONAL EDUCATOR'S CERTIFICATE. A
117 certificate or license, by whatever name, designation, or
118 subclassification known or identified, issued by the State
119 Department of Education, or recognized under an approved
120 interstate reciprocity program, and that must be maintained by
121 the employee in order to be employed as a teacher in the
122 county and city schools of this state. A professional
123 educator's certificate does not include provisional,
124 alternative, or emergency certificates, or certificates or
125 licenses that are issued to instructional aides or assistants,
126 to substitute teachers, or to business, technical,
127 operational, or other employees whose job duties do not
128 require or entail the instruction of students or the regular
129 supervision of or interaction with employees with such job
130 duties.

131 ~~(7)~~ (8) SCHOOL YEAR. The period beginning with the first
132 day of the annual school term and ending with the last day of
133 the annual school term on which classroom instructors are
134 required to report for duty, as established by the governing
135 board. For a two-year educational institution, the school year
136 shall be deemed to begin on the first day of the fall academic
137 semester and continuing through the final day of the spring
138 academic semester, but shall not include the summer academic
139 semester.

140 ~~(8)~~ (9) TEACHER.



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141 a. All employees of entities that are covered by this
142 ~~chapter~~ article who are required by law, ~~regulation~~ rule, or
143 employer policy to maintain a professional educator's
144 certificate issued by the State Department of Education and
145 who are employed by a city or county board of education, the
146 Alabama Institute for Deaf and Blind, or educational and
147 correctional institutions under the control of the Department
148 of Youth Services. The term also includes instructors employed
149 by two-year educational institutions operated under the
150 authority and control of the ~~Department of Postsecondary~~
151 ~~Education~~ Board of Trustees of the Alabama Community College
152 System and principals who had attained tenure under prior law,
153 but who have not elected to become contract principals under
154 subsection (h) of Section 16-24B-3.

155 b. The term does not include ~~an~~ any of the following:
156 1. An employer's chief executive officer, chief school
157 financial officer, or a principal who is employed as or who
158 has elected to become a contract principal under subsection
159 (h) of Section 16-24B-3, whether or not certification is
160 required for those positions by law or policy, ~~and does not~~
161 ~~include the.~~

162 2. An assistant administrative officer who is employed
163 as or who has elected to become a contract assistant
164 administrative officer under subsection (h) of Section
165 16-24B-52, whether or not certification is required for those
166 positions by law or policy.

167 3. The president or vice president of a two-year
168 educational institution operated under the authority and



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169 control of the ~~Department of Postsecondary Education~~ Board of
170 Trustees of the Alabama Community College System. ~~A~~
171 ~~probationary teacher is a teacher who has not attained~~
172 ~~tenure."~~

173 Section 2. The Teacher Accountability Act, Chapter 24B
174 of Title 16, consisting of Sections 16-24B-1 through 16-24B-8,
175 Code of Alabama 1975, is designated as Article 1, Chapter 24B,
176 Title 16, Code of Alabama 1975. Article 2, is added to Chapter
177 24B of Title 16, Code of Alabama 1975, to read as follows:

178 Article 2. Assistant Administrator Accountability Act.

179 §16-24B-50. Short title.

180 This article shall be known and may be cited as the
181 Assistant Administrator Accountability Act.

182 §16-24B-51. Definitions.

183 As used in this article, the following terms have the
184 following meanings:

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

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

194 (3) CONTRACT ASSISTANT ADMINISTRATIVE OFFICER. Includes
195 only those individuals hired on or after July 1, 2024, and
196 certified for their position as prescribed by the State Board



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197 of Education and who are employed by a participating employing
198 board as an assistant superintendent, assistant chief school
199 finance officer, or assistant principal of a school system or
200 school, including a vocational center, pursuant to this
201 article.

202 (4) CONTRACT YEAR. The same as defined in Section
203 16-24B-2.

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

205 (6) EMPLOYING BOARD. The same as defined in Section
206 16-24B-2.

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

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

211 (9) PROBATIONARY ASSISTANT ADMINISTRATIVE OFFICER. Any
212 assistant superintendent, assistant chief school finance
213 officer, or assistant principal hired for the first time in
214 any local school system or school as an assistant
215 superintendent, assistant chief school finance officer, or
216 assistant principal on or after July 1, 2024.

217 §16-24B-52. Assistant administrative officers;
218 probationary and contract assistant administrative officers.

219 (a) Any other provision of law to the contrary
220 notwithstanding, any individual employed as an assistant
221 administrative officer in the public schools in Alabama on or
222 after July 1, 2024, at the election of a participating
223 employing board and upon the recommendation of the chief
224 executive officer, may be employed as a probationary assistant



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225 administrative officer for up to one full contract year;
226 provided, however, that if the individual is being employed as
227 an assistant administrative officer for the first time, the
228 probationary period may be for up to two full contract years.
229 After completion of the probationary period, the same
230 participating employing board, upon the recommendation of the
231 chief executive officer, shall either offer the probationary
232 assistant administrative officer not less than a three-year
233 contract pursuant to this section or terminate the
234 probationary assistant administrative officer for any reason,
235 or without a stated reason, as the case may be. In the case of
236 a probationary assistant administrative officer who is
237 terminated prior to the end of the school year, the
238 probationary assistant administrative officer shall be
239 entitled to the hearing process as described in this section.
240 Any contract assistant administrative officer hired on or
241 after July 1, 2024, to work in the capacity of a contract
242 assistant administrative officer in a public school in the
243 state shall be properly certified and shall be employed
244 pursuant to a written contract for an initial period of not
245 less than three years. The initial contract of not less than
246 three years may only be canceled for cause as described in
247 subdivision (e)(1). If the contract is canceled for cause
248 related to failure to perform duties in a satisfactory manner,
249 as evidenced by an unsatisfactory evaluation, the chief
250 executive officer and the participating employing board shall
251 be subject to the review provisions described in subsection
252 (j).



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253 (b) Subject to the procedures described in subsection
254 (c), in the case of a contract assistant administrative
255 officer after the probationary term of the contract, the
256 contract shall be renewed for a period not less than three
257 years, and shall contain a provision for cancellation during
258 the term of the contract only for just cause, described in
259 subdivision (e) (1).

260 (c) Notwithstanding whether the contract is the initial
261 contract or otherwise, should the chief executive officer make
262 a recommendation to the participating employing board followed
263 by a majority vote of the board not to offer a new, renewed,
264 or extended contract to the contract assistant administrative
265 officer, the vote of the participating employing board shall
266 be made at least 90 days before the end of the existing
267 contract. The recommendation shall contain written notice of
268 the decision of the chief executive officer and the reasons
269 for the decision to nonrenew the contract. Notice shall be
270 provided to the contract assistant administrative officer
271 either by personal service or by certified mail, return
272 receipt requested, mailed to the last known address of the
273 contract assistant administrative officer. The decision of the
274 chief executive officer and the participating employing board
275 may be based on any reason except personal or political
276 reasons.

277 (d) Nothing in this section or article shall be
278 construed to confer continuing service status or
279 nonprobationary status on any contract or probationary
280 assistant administrative officer.



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

284 a. Immorality.

285 b. Insubordination.

286 c. Neglect of duty.

287 d. Conviction of a felony or a crime involving moral
288 turpitude.

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

291 f. Willful failure to comply with policy of the
292 participating employing board.

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

295 h. Failure to maintain his or her certificate in a
296 current status.

297 i. Incompetency.

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

299 k. Other good and just cause.

300 (2) Within five days of the action of the participating
301 employing board of canceling or nonrenewing the contract of a
302 contract assistant administrative officer, the participating
303 employing board shall provide written notice pursuant to
304 subsection (c) to the contract assistant administrative
305 officer with a statement of the reasons upon which the action
306 was taken.

307 a. Within 10 days after the date of receipt of notice
308 provided to a contract assistant administrative officer



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309 informing him or her of an action by the participating
310 employing board to nonrenew the assistant administrative
311 officer's contract at the end of the current term of the
312 contract, the contract assistant administrative officer, by
313 filing written notice with the chief executive officer, may
314 request a nonjury, expedited evidentiary hearing to
315 demonstrate that the chief executive officer's or supervisor's
316 recommendation to nonrenew the contract was impermissibly
317 based upon a personal or political reason, or the
318 recommendation was approved based upon personal or political
319 reasons of the chief executive officer, supervisor, or the
320 participating employing board, which shall be the sole issues
321 at the hearing. The contract assistant administrative officer
322 shall bear the burden of proof by a preponderance of the
323 evidence. The hearing shall be held before the circuit court
324 in the judicial circuit of the county in which the
325 participating employing board sits. The expedited evidentiary
326 hearing shall be binding on all parties. Promptly after
327 delivering a written request for a hearing, the contract
328 assistant administrative officer, or his or her designee,
329 shall file with the appropriate circuit court a request for an
330 expedited hearing and shall provide a copy of the request to
331 the applicable chief executive officer.

332 b. In the case of a contract assistant administrative
333 officer who is recommended for cancellation for cause pursuant
334 to subdivision (1), within 10 days after the date of receipt
335 by the contract assistant administrative officer of the notice
336 informing him or her of an action by the participating



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337 employing board to cancel the assistant administrative
338 officer's contract for cause as provided in subdivision (1),
339 the contract assistant administrative officer, by filing
340 written notice with the chief executive officer, may request a
341 nonjury, expedited evidentiary hearing before the circuit
342 court in the county in which the participating employing board
343 sits. The chief executive officer shall provide notice to the
344 circuit court promptly after receiving notice, that the
345 participating employing board requests the nonjury, expedited
346 evidentiary hearing. At the hearing the participating
347 employing board shall bear the burden to prove, by a
348 preponderance of the evidence, that the cancellation is solely
349 for cause pursuant to subdivision (1).

350 (3) All contract assistant administrative officers
351 shall be entitled to an expedited evidentiary hearing process,
352 which shall occur within 45 days after the chief executive
353 officer's or the contract assistant administrative officer's
354 request, as the case may be, for an expedited hearing pursuant
355 to subdivision (2). If the circuit court determines that it is
356 not able to complete the expedited evidentiary hearing within
357 the 45-day period, the court shall refer the parties to a
358 mediator to conduct the expedited evidentiary hearing within
359 45 days after the chief executive officer's or the contract
360 assistant administrative officer's request for the expedited
361 hearing. The written decision of the mediator shall be binding
362 on the parties.

363 (4) The contract assistant administrative officer may
364 request reinstatement at the expedited evidentiary hearing. If



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365 such an action is initiated by the contract assistant
366 administrative officer, the pay and benefits of the contract
367 assistant administrative officer shall be discontinued only
368 upon a final order denying reinstatement by the circuit court
369 or the mediator.

370 (f) (1) Failure to file a timely request for an
371 expedited evidentiary hearing, unless excused by the court or
372 the mediator, shall result in a waiver of the right to appeal
373 the decision of the participating employing board. No further
374 action is necessary by the participating employing board.

375 (2) At the end of the term of the probationary
376 contract, or any subsequent contract, absent a written
377 recommendation by the chief executive officer for cancellation
378 or nonrenewal and an acceptance of that recommendation by a
379 majority vote of the participating employing board, the
380 participating employing board shall enter into a new contract
381 with the contract assistant administrative officer for a
382 period of not less than three years.

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

388 (h) (1) Any assistant administrative officer hired
389 before July 1, 2024, who has not obtained continuing service
390 status with an employing board under prior law and any
391 assistant administrative officer who attained continuing
392 service status under prior law before July 1, 2024, may



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393 voluntarily and irrevocably relinquish his or her continuing
394 service status as an assistant administrative officer and
395 elect to be employed by contract.

396 (2) The relinquishment of continuing service status and
397 election to serve under contract shall be made in writing to
398 the participating employing board at least 30 days before the
399 start of the immediately succeeding scholastic year to be
400 effective in that scholastic year, and thereafter.

401 (i) (1) The chief executive officer, or his or her
402 designee, shall at least annually evaluate the performance of
403 each contract assistant administrative officer. The evaluation
404 shall be performed in a manner prescribed by the State Board
405 of Education.

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



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421 chief executive officer shall either recommend to the
422 participating employing board cancellation of the contract for
423 cause as outlined in subdivision (e) (1) or a conference shall
424 be held with the contract assistant administrative officer and
425 a specific plan of professional development shall be presented
426 by the chief executive officer, which specifies the area of
427 unsatisfactory performance and recommends a plan to correct
428 the unsatisfactory performance. The contract assistant
429 administrative officer shall complete the specific plan of
430 professional development prior to the next evaluation.

431 (j) (1) Within 15 days after an unsatisfactory
432 evaluation as prescribed by the State Board of Education and
433 upon receipt of a recommendation by the chief executive
434 officer for cancellation of the contract for cause as outlined
435 in subdivision (e) (1), a contract assistant administrative
436 officer, in writing to the chief executive officer, may
437 request a review of the evaluation.

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

442 a. Within five days after the request for a review of
443 the evaluation, the chief executive officer or designee shall
444 request a list of five individuals who are certified to
445 evaluate contract assistant administrative officers from the
446 State Department of Education.

447 b. From the list described in paragraph a., the chief
448 executive officer and the contract assistant administrative



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449 officer shall each strike two names.

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

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

455 (4)a. If the result of the review of the evaluation
456 overturns the unsatisfactory evaluation, then the contract of
457 the contract assistant administrative officer shall be
458 continued for the remainder of the term of the contract
459 subject to subdivision (e) (1).

460 b. If the result of the review of the evaluation
461 upholds the unsatisfactory evaluation, the contract assistant
462 administrative officer shall be informed of the reasons for
463 the upholding of the unsatisfactory evaluation and the
464 contract of the contract assistant administrative officer
465 shall be canceled.

466 (k) Except as provided in subsection (h), the contract
467 of an assistant administrative officer holding the position on
468 July 1, 2024, shall not be canceled, nonrenewed, reduced, or
469 changed in compensation or continuing service status, or time
470 toward continuing service status, due to the enactment of this
471 article.

472 (1) (1) Any decision not to continue the employment of a
473 probationary assistant administrative officer or contract
474 assistant administrative officer shall be made by a majority
475 vote of the participating employing board upon the written
476 recommendation of the chief executive officer.



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477 (2) The decision not to continue the employment of a
478 contract assistant administrative officer shall cancel the
479 employment relationship between the participating employing
480 board and the contract assistant administrative officer
481 effective at the end of the current contract period.

482 (3) Any contract assistant administrative officer who
483 had attained continuing service status in a position other
484 than as an assistant administrative officer with the
485 participating employing board before becoming a contract
486 assistant administrative officer shall retain that previously
487 earned status and be returned to a similar status position
488 within a reasonable time after the cancellation or nonrenewal
489 of his or her contract as an assistant administrative officer
490 with the participating employing board, provided that the
491 cause for cancellation is not for conviction of a felony or
492 crime involving moral turpitude.

493 (m) (1) Commencing on July 1, 2024, an employing board
494 may elect to employ assistant administrative officers pursuant
495 to this article on a contract basis in lieu of the tenure
496 process provided in Chapter 24C, the Students First Act of
497 2011. After an election is made, the participating employing
498 board may not revert back to the tenure process without the
499 passage of a local legislative act.

500 (2) Upon passage of a local legislative act mandating
501 reversion, the terms and conditions of any contract executed
502 pursuant to this article shall be fulfilled and any contract
503 assistant administrative officer who had previously attained
504 continuing service status with the employing board under the



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505 Students First Act of 2011, before becoming a contract
506 assistant administrative officer, shall revert back to his or
507 her previously earned status and be returned to a similar
508 status position.

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

513 (o) The chief executive officer shall make a timely
514 written recommendation to the participating employing board
515 regarding the continued employment of a probationary assistant
516 administrative officer at the end of his or her probationary
517 period and the continued employment of a contract assistant
518 administrative officer at the end of his or her contract.
519 Failure of the chief executive officer to make a
520 recommendation shall not in any way prejudice the probationary
521 assistant administrative officer or contract assistant
522 administrative officer.

523 §16-24B-53. Assistant administrative officers;
524 cancellation of contract.

525 (a) Notwithstanding any other provision of this
526 article, the employment contract of an assistant
527 administrative officer or contract assistant administrative
528 officer, whose certificate is revoked by the State
529 Superintendent of Education pursuant to Section 16-23-5(b),
530 shall be immediately canceled.

531 (b) If the conviction resulting in the revocation of
532 the certificate pursuant to Section 16-23-5(b) is overturned



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533 on appeal, the State Superintendent of Education, upon receipt
534 of notice of the reversal shall immediately reinstate the
535 certificate of the assistant administrative officer or
536 contract assistant administrative officer, and the employing
537 board or participating employing board, at its discretion,
538 shall place the assistant administrative officer or contract
539 assistant administrative officer in a position commensurate
540 with the employee's licensure from the State Department of
541 Education or on paid administrative leave. Regardless of
542 whether the certificate of the assistant administrative
543 officer or contract assistant administrative officer is
544 reinstated or a new employment contract is entered into, the
545 assistant administrative officer or contract assistant
546 administrative officer, within 45 days, shall be reimbursed
547 for any back pay, plus benefits, from the date of
548 cancellation, up to and including the date his or her
549 conviction is overturned.

550 (c) Nothing in this section shall be construed to
551 preclude the State Superintendent of Education or the
552 employing board or participating employing board from pursuing
553 other legal action against the assistant administrative
554 officer or contract assistant administrative officer based
555 upon the underlying circumstances of the conviction.

556 §16-24B-54. Assistant administrative officers; duties.

557 (a) Subject to the authority of the chief executive
558 officer and the employing board or participating employing
559 board, an assistant administrative officer and contract
560 assistant administrative officer shall assist his or her



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561 supervisor with the supervision of the daily operation and
562 management of personnel, finances, facilities, and other
563 matters of the school or campus for which the assistant
564 administrative officer or contract assistant administrative
565 officer is responsible. An assistant administrative officer
566 and contract assistant administrative officer shall assist
567 with the administrative responsibility and instructional
568 leadership, as directed by the chief executive officer or his
569 or her supervisor, consistent with the policies of the
570 employing board or participating employing board, for the
571 planning, management, operation, and evaluation of the
572 education program of the school system, department, and each
573 school or campus, or both, under the responsibility of the
574 assistant administrative officer or contract assistant
575 administrative officer.

576 (b) An assistant administrative officer and contract
577 assistant administrative officer shall observe all rules,
578 policies, and procedures relative to the operation of the
579 public schools as established by applicable law, rule, and
580 standard of both the State Board of Education and the
581 employing board or participating employing board.

582 (c) An assistant administrative officer and contract
583 assistant administrative officer shall perform all other
584 duties assigned by the chief executive officer, consistent
585 with the policies of the employing board or participating
586 employing board and the law.

587 (d) An assistant administrative officer and contract
588 assistant administrative officer, if asked by his or her



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589 supervisor, shall make written advisory recommendations to the
590 chief executive officer or his or her supervisor, or both,
591 regarding the appointment, assignment, promotion, transfer,
592 and cancellation of the contracts of all personnel assigned to
593 the school system, department, and any school or campus under
594 his or her responsibility. Advisory recommendations are not
595 binding upon the chief executive officer or the supervisor of
596 the assistant administrative officer or the contract assistant
597 administrative officer, and the chief executive officer shall
598 have final authority for all personnel assignments within the
599 applicable school system.

600 §16-24B-55. Appeals.

601 (a) All appeals of a final decision from the expedited
602 evidentiary hearing shall lie with the Alabama Court of Civil
603 Appeals. An appeal shall be filed within 14 days after the
604 receipt of the final written decision of the circuit judge or
605 the mediator. An appeal by either party shall be perfected by
606 filing a written notice of appeal with the clerk of the Court
607 of Civil Appeals within 14 days after the receipt of the final
608 written decision of the circuit judge or the mediator by the
609 party. Failure to file a timely notice of appeal shall render
610 the decision of the circuit judge or the mediator final.

611 Within 28 days after an appeal is filed, the chief executive
612 officer shall transmit the record to the clerk. Failure of the
613 chief executive officer to timely transmit a full and accurate
614 record to the clerk shall result in a favorable decision being
615 entered by the court for the contract assistant administrative
616 officer.



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617 (b) The decision of the circuit judge or the mediator
618 shall be affirmed on appeal unless the Court of Civil Appeals
619 finds the decision to be against the great weight of the
620 evidence.

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

625 §16-24B-56. Preliminary certificate; breach of
626 assistant administrative officer employment contract.

627 (a) An individual who has not completed a teacher
628 education program in Principal or Educational Administrator
629 may be eligible for a preliminary certificate, which could
630 lead to full certification by the State Department of
631 Education under rules approved by the State Board of
632 Education.

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

636 §16-24B-57. Opposition to employment action.

637 It shall be unlawful for an employing board or
638 participating employing board to cancel or reduce the contract
639 of a teacher, assistant administrative officer, or contract
640 assistant administrative officer or to transfer, reprimand, or
641 discipline a teacher because the teacher opposed any
642 employment action under this article or this title.

643 Section 3. This act shall become effective on July 1,
644 2024.