

1 SB316
2 173986-3
3 By Senator Marsh
4 RFD: Education and Youth Affairs
5 First Read: 01-MAR-16

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8 SYNOPSIS: Under existing law, the Students First Act
9 of 2011 provides a process for public K-12 school
10 teachers to attain tenure.

11 This bill would create the Preparing and
12 Rewarding Educational Professionals (PREP) Act of
13 2016.

14 This bill would provide a procedure for
15 observing and evaluating teachers, principals, and
16 assistant principals on performance and student
17 achievement.

18 This bill would make an appropriation of
19 \$10,000,000 from the Education Trust Fund to the
20 Legislative School Performance Recognition Program,
21 for the fiscal year ending September 30, 2017, to
22 fund rewards earned by schools pursuant to that
23 program.

24 This bill would require implementation of
25 the Legislative School Performance Recognition
26 Program before September 1, 2016.

1 This bill would increase the number of years
2 of service required to attain tenured status
3 pursuant to the Students First Act of 2011, as
4 amended by this act, under the same governing board
5 from three to five consecutive years with three
6 consecutive ratings of satisfies expectations,
7 exceeds expectations, or significantly exceeds
8 expectations pursuant to this act; would allow a
9 governing board to evaluate a tenured teacher every
10 other year; and would subject a tenured teacher who
11 receives a rating of below expectations or
12 significantly below expectations to two consecutive
13 annual evaluations immediately thereafter.

14 This bill would subject any tenured teacher
15 who receives two consecutive ratings of below
16 expectations or significantly below expectations
17 pursuant to this act to personnel action by the
18 governing board.

19 This bill would establish the Alabama
20 Teacher Recruitment Fund and would make an
21 appropriation of \$5,000,000 from the Education
22 Trust Fund to the Alabama Teacher Recruitment Fund
23 for the fiscal year ending September 30, 2017.

24 This bill would establish the Alabama
25 Teacher Mentor Program, to provide continuity in
26 the improvement and growth of new teachers, and
27 would make an appropriation of \$3,000,000 from the

1 Education Trust Fund to the Alabama Teacher Mentor
2 Program for the fiscal year ending September 30,
3 2017.

4 This bill would also establish the
5 Legislative Teacher Advisement Committee to make
6 recommendations to the Legislature, the State Board
7 of Education, and the State Superintendent of
8 Education regarding issues of classroom instruction
9 and performance rewards for schools.

10 Amendment 621 of the Constitution of Alabama
11 of 1901, now appearing as Section 111.05 of the
12 Official Recompilation of the Constitution of
13 Alabama of 1901, as amended, prohibits a general
14 law whose purpose or effect would be to require a
15 new or increased expenditure of local funds from
16 becoming effective with regard to a local
17 governmental entity without enactment by a 2/3 vote
18 unless: it comes within one of a number of
19 specified exceptions; it is approved by the
20 affected entity; or the Legislature appropriates
21 funds, or provides a local source of revenue, to
22 the entity for the purpose.

23 The purpose or effect of this bill would be
24 to require a new or increased expenditure of local
25 funds within the meaning of the amendment. However,
26 the bill does not require approval of a local
27 governmental entity or enactment by a 2/3 vote to

1 become effective because it comes within one of the
2 specified exceptions contained in the amendment.

3
4 A BILL
5 TO BE ENTITLED
6 AN ACT

7
8 Relating to public education; to create the
9 Preparing and Rewarding Educational Professionals (PREP) Act
10 of 2016; to provide a procedure for observing and evaluating
11 teachers, principals, and assistant principals on performance
12 and student achievement; to make an appropriation of
13 \$10,000,000 from the Education Trust Fund to the Legislative
14 School Performance Recognition Program, for the fiscal year
15 ending September 30, 2017, to fund rewards earned by schools
16 pursuant to that program; to amend Sections 16-6C-3 and
17 16-24C-4, Code of Alabama 1975, to require implementation of
18 the Legislative School Performance Recognition Program before
19 September 1, 2016, and to increase the number of years of
20 service required to attain tenured status pursuant to the
21 Students First Act of 2011, from three to five consecutive
22 years with three consecutive ratings of satisfies
23 expectations, exceeds expectations, or significantly exceeds
24 expectations; to allow a governing board to evaluate a tenured
25 teacher every other year; to subject a tenured teacher who
26 receives a rating of below expectations or significantly below
27 expectations to two consecutive annual evaluations immediately

1 thereafter; to subject a tenured teacher who receives two
2 consecutive ratings of below expectations or significantly
3 below expectations pursuant to this act to personnel action by
4 the governing board; to establish the Alabama Teacher
5 Recruitment Fund; to make an appropriation of \$5,000,000 from
6 the Education Trust Fund to the Alabama Teacher Recruitment
7 Fund, for the fiscal year ending September 30, 2017; to
8 establish the Alabama Teacher Mentor Program; to make an
9 appropriation of \$3,000,000 from the Education Trust Fund to
10 the Alabama Teacher Mentor Program for the fiscal year ending
11 September 30, 2017; to establish the Legislative Teacher
12 Advisement Committee to make recommendations to the
13 Legislature, State Board of Education, and State
14 Superintendent of Education regarding classroom instruction
15 and school performance rewards; and in connection therewith to
16 have as its purpose or effect the requirement of a new or
17 increased expenditure of local funds within the meaning of
18 Amendment 621 of the Constitution of Alabama of 1901, now
19 appearing as Section 111.05 of the Official Recompilation of
20 the Constitution of Alabama of 1901, as amended.

21 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

22 Section 1. Sections 1 to 12, inclusive, of this act
23 shall be known and may be cited as the Preparing and Rewarding
24 Educational Professionals (PREP) Act of 2016.

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

1 (1) BELOW EXPECTATIONS. A teacher who has received a
2 summative performance evaluation rating that falls within the
3 second lowest tier of the evaluation system of the employer.

4 (2) CHIEF EXECUTIVE OFFICER. The chief
5 administrative and executive officer of an entity,
6 institution, agency, or political subdivision of the state
7 that is subject to this act and includes, without limitation,
8 superintendents of city or county boards of education. The
9 term includes persons serving in such a capacity on an acting
10 or interim basis under lawful appointment or by operation of
11 law.

12 (3) DEPARTMENT. The State Department of Education.

13 (4) EMPLOYEE. Unless otherwise specified, and as
14 appropriate to the context, the term includes a teacher whose
15 employment is subject to this act.

16 (5) EMPLOYER. The entity, institution, agency, or
17 political subdivision of the state by which a teacher who is
18 subject to this act is employed. Employers subject to this act
19 include all city and county boards of education, all
20 educational institutions under the control of the Department
21 of Youth Services, and the Alabama Institute for Deaf and
22 Blind.

23 (6) EXCEEDS EXPECTATIONS. A teacher who has received
24 a summative performance evaluation rating that falls within
25 the second highest tier of the evaluation system of the
26 employer.

1 (7) GOVERNING BOARD. The body of elected or
2 appointed officials that is granted authority by law,
3 regulation, or policy to make employment decisions on behalf
4 of the employer. If final decision-making authority with
5 respect to employment decisions is conferred by law,
6 regulation, or duly adopted policy on an official,
7 administrator, or organizational unit other than a separate
8 governing board, the decision or action of such official,
9 administrator, or organizational unit, is that of the
10 governing board for purposes of this act, and no additional
11 approval of such decision or action shall be required. Under
12 such circumstances, the official administrator, president, or
13 organizational unit shall assume and exercise the duties of
14 the governing board established by this act. For purposes of
15 this act, the State Board of Education shall not be deemed to
16 be or authorized to function as the employer or the governing
17 board of an employer covered by this act.

18 (8) PROFESSIONAL EDUCATOR'S CERTIFICATE. A
19 certificate or license, by whatever name, designation, or
20 subclassification known or identified, issued by the State
21 Department of Education, and that must be maintained by the
22 teacher in order to be employed as a teacher in the county and
23 city schools of this state. A professional educator's
24 certificate does not include certificates or licenses that are
25 issued to instructional aides or assistants, to substitute
26 teachers, or to operations staff, or other employees whose job
27 duties do not require or entail the instruction of students or

1 the regular supervision of or interaction with employees with
2 such job duties.

3 (9) SATISFIES EXPECTATIONS. A teacher who has
4 received a summative performance evaluation rating that falls
5 within the middle tier of the evaluation system of the
6 employer.

7 (10) SCHOOL YEAR. The period beginning with the
8 first day of the annual school term and ending with the last
9 day of the annual school term on which classroom instructors
10 are required to report for duty, as established by the
11 governing board.

12 (11) SIGNIFICANTLY BELOW EXPECTATIONS. A teacher who
13 has received a summative performance evaluation rating that
14 falls within the lowest tier of the evaluation system of the
15 employer.

16 (12) SIGNIFICANTLY EXCEEDS EXPECTATIONS. A teacher
17 who has received a summative performance evaluation rating
18 that falls within the highest or top tier of the evaluation
19 system of the employer.

20 (13) STUDENT ACHIEVEMENT GROWTH. The change in
21 achievement for an individual student between two or more
22 points in time, based on standards-based measures that are
23 valid, rigorous, and comparable across classrooms of similar
24 content, levels, and status as a state assessed or nonstate
25 assessed subject.

26 (14) STUDENT GROWTH MODEL. A statistical growth
27 model used to isolate the effect and impact of a teacher on

1 student learning, controlling for preexisting characteristics
2 of a student including, but not limited to, prior achievement.

3 (15) SUPPORT PERSONNEL. Janitors or custodians, bus
4 drivers, lunchroom or cafeteria workers, secretaries, clerks,
5 clerical assistants, maintenance workers, or other
6 noncertificated employees.

7 (16) TEACHER. All employees of entities that are
8 covered by this act who are required by law, regulation, or
9 employer policy to maintain a professional educator's
10 certificate issued by the State Department of Education and
11 who are employed by a city or county board of education, the
12 Alabama Institute for Deaf and Blind, or educational and
13 correctional institutions under the control of the Department
14 of Youth Services. The term also includes principals who had
15 attained tenure under prior law, contract principals, and
16 assistant principals under subsection (h) of Section 16-24B-3,
17 Code of Alabama 1975. The term also includes Teach for
18 America, and other alternatively certified teachers, but does
19 not include a substitute teacher, an employer's chief
20 executive officer, or chief school financial officer, whether
21 or not certification is required for those positions by law or
22 policy. If a contract principal holds a contract on the
23 effective date of this act that does not allow for an annual
24 evaluation, the contract principal may not be subject to an
25 annual evaluation until he or she enters into a new contract.
26 All principal contracts executed after the effective date of

1 this act shall include an annual evaluation requirement based
2 on this act.

3 (17) TENURE. Continuing service status granted to
4 teachers under the Students First Act of 2011 and the Students
5 First Act of 2011, as amended by this act.

6 Section 3. (a) Beginning with the 2017-2018 school
7 year, every teacher employed by a governing board shall be
8 formally evaluated annually pursuant to this act and assigned
9 a rating. The rating shall be used by a teacher to attain
10 tenure and by a governing board to schedule evaluations and
11 take personnel actions pursuant to the Students First Act of
12 2011, as amended by this act.

13 (b) The department, by rule, shall develop a model
14 evaluation system for use by governing boards in evaluating
15 the effectiveness of teachers and teachers serving as
16 principals or assistant principals. The model shall include
17 both mandatory and permissive elements for a governing board
18 to utilize in developing a local evaluation system, as
19 provided in Section 4. A local evaluation system as developed
20 by a governing board shall be approved by the department
21 before use by the governing board. Until approval is obtained,
22 a governing board shall utilize the model evaluation system
23 developed by the department.

24 Section 4. (a) The model evaluation system developed
25 by the department pursuant to this act shall define the
26 elements of evaluation and standards for effectiveness for
27 teachers providing classroom instruction at the K-12 level.

1 (b) Student achievement growth, at a minimum, shall
2 initially comprise a minimum of 25 percent of the total
3 year-end teacher evaluation score. The model evaluation system
4 developed by the department and any local evaluation system
5 developed by a governing board shall comply with the
6 requirements of this subsection. A governing board may not
7 waive the requirements of this subsection pursuant to a
8 flexibility contract between the governing board and the
9 department under the Alabama Accountability Act of 2013.
10 Student achievement growth shall be measured as follows:

11 a.1. For teachers of any state assessed subject
12 areas, evidence of student achievement growth using a student
13 growth model as determined by the department for grade levels
14 and subjects for which student state assessment data is
15 available. For purposes of calculating the student growth
16 model, the department shall use student performance on the ACT
17 Aspire examination, American College Test (ACT), and other
18 examination approved by the department that measures student
19 achievement, if applicable, or a successor examination adopted
20 and used by the department to measure student academic
21 performance and achievement.

22 2. On or before October 1, 2016, the department
23 shall choose a student growth model that specializes in the
24 development and implementation of student growth models for
25 purposes of complying with this section and shall report that
26 choice to the State Board of Education.

1 3. The department may include additional
2 examinations as evidence of student achievement growth
3 provided that the data from those examinations is compatible
4 with the student growth model selected by the department.

5 b. For teachers of any nonstate assessed subject
6 areas, evidence of student achievement growth shall be based
7 on any number of measures from the department developed list
8 of preapproved options for governing boards to utilize to
9 measure student achievement growth.

10 c. The measure of student achievement growth shall
11 be based on at least three years of student performance data,
12 if available. If student growth and assessment data are not
13 available for a teacher for at least three consecutive school
14 years, the annual year-end evaluation shall be based on all
15 student growth and assessment data available for the teacher.

16 (c) The model evaluation system developed by the
17 department and any local evaluation system developed by a
18 governing board may apportion the remaining maximum of 75
19 percent of the total year-end teacher evaluation score as the
20 department or governing board determines best. A governing
21 board shall have flexibility in determining the weight of each
22 of the following when developing and revising a local
23 evaluation system. The governing board may not waive the
24 requirement of complying with this subsection pursuant to a
25 flexibility contract between the governing board and the
26 department under the Alabama Accountability Act of 2013. At a

1 minimum, an evaluation system shall contain all of the
2 following:

3 (1) At least two observations per school year. One
4 observation shall be conducted by the school principal,
5 assistant principal, or his or her designee. An observation
6 shall be aligned to a clear, consistent rubric provided to the
7 teacher before the beginning of the school year that assesses
8 teacher performance as it relates to evidence-based
9 instructional practices that promote student achievement. An
10 observation may be announced or unannounced, and shall be of
11 sufficient duration to provide meaningful data. At least one
12 observation shall last the duration of one complete classroom
13 lesson. All observations shall be conducted by evaluators who
14 have a full understanding of the evaluation system and its
15 expectations for teachers and evaluators. No person shall be
16 responsible for the evaluation of personnel unless the person
17 has received education and training in evaluation skills
18 approved by the department that enable him or her to make
19 fair, professional, and credible evaluations of the personnel
20 whom he or she is responsible for evaluating.

21 (2) Student surveys from students in grades three
22 and above.

23 (3) Additional measures of performance correlated
24 with impacts on student achievement results or, for a teacher
25 in the first two years of his or her career, best practices of
26 teaching and learning for engaging and motivating students to
27 excel academically. Additional measures of performance shall

1 comprise the remaining percentage of total year-end teacher
2 evaluation scores.

3 (4) Methods of feedback from evaluators during a
4 post-observation conference that allow a teacher meaningful
5 opportunity to improve his or her effectiveness and receive
6 recommendations on targeted professional development, as
7 needed.

8 (d) Individual schools demonstrating incremental
9 student growth shall be eligible to participate in a rewards
10 to school initiative, with funds appropriated by the
11 Legislature going to the schools according to rules adopted by
12 the department. The rewards program shall utilize the
13 Legislative School Performance Recognition Program established
14 in Chapter 6C of Title 16 of the Code of Alabama 1975. The sum
15 of ten million dollars (\$10,000,000) is appropriated from the
16 Education Trust Fund to the State Department of Education, for
17 the purpose of funding the required rewards, for the fiscal
18 year ending September 30, 2017. Any leftover funds shall
19 revert to the Education Trust Fund.

20 Section 5. (a) The model evaluation system for
21 teachers serving as principals or assistant principals
22 developed by the department pursuant to this act shall define
23 the elements of evaluation and standards for effectiveness for
24 teachers serving as principals or assistant principals at the
25 K-12 level.

26 (b) At a minimum, student achievement growth shall
27 initially comprise a minimum of 25 percent of the total

1 year-end evaluation score for teachers serving as principals
2 and teachers serving as assistant principals. The model
3 evaluation system developed by the department and any local
4 evaluation system developed by a governing board shall comply
5 with the requirements of this subsection. A governing board
6 may not waive the requirements of this subsection pursuant to
7 a flexibility contract between the governing board and the
8 department under the Alabama Accountability Act of 2013.
9 Evidence of growth in student achievement and academic growth
10 shall be measured using a student growth model as determined
11 by the department for grade levels and subjects for which
12 student state assessment data is available.

13 (c) The model evaluation system developed by the
14 department, and any local evaluation system developed by a
15 governing board, may apportion the remaining maximum of 75
16 percent of the total year-end evaluation score for teachers
17 serving as principals and teachers serving as assistant
18 principals as the department or governing board determines
19 best. A governing board shall have flexibility in determining
20 the weight of each of the following when developing and
21 revising a local evaluation system. The governing board may
22 not waive the requirement of complying with this subsection
23 pursuant to a flexibility contract between the governing board
24 and the department under the Alabama Accountability Act of
25 2013. At a minimum, an evaluation system shall contain
26 multiple fair, transparent, timely, rigorous, and valid
27 standards of quality leadership and performance as determined

1 by the department, including a professional growth plan
2 developed by each principal or assistant principal
3 collaborating with his or her evaluator or evaluators at the
4 beginning of each evaluation period. The growth plan shall be
5 designed to assist each principal or assistant principal in
6 satisfying the standards for effectiveness, effectively
7 addressing the needs of students, classroom teachers, and
8 staff, and building and maintaining a school environment that
9 is conducive to continuous learning. Each growth plan shall
10 include a statement of the professional development objectives
11 of the principal or assistant principal as well as the
12 strategies the principal or assistant principal intends to
13 employ toward the achievement of each objective. These shall
14 include, but not be limited to, standards for demonstrating
15 all of the following:

16 (1) Strategic and managerial leadership,
17 specifically as it relates to finance, space, and legal
18 compliance.

19 (2) Instructional leadership.

20 (3) School culture and equity leadership.

21 (4) External leadership development related to
22 family and community outreach.

23 Section 6. (a) Teachers shall be given written
24 notice at a pre-evaluation conference before the beginning of
25 the school year or upon his or her employment, as applicable,
26 of the measures and any specific indicators that may be used
27 to evaluate his or her performance.

1 (b) Based upon his or her year-end evaluation
2 scores, each teacher shall be rated annually on his or her
3 effectiveness. The levels of effectiveness, as defined by rule
4 of the department, are as follows:

- 5 (1) Significantly below expectations.
- 6 (2) Below expectations.
- 7 (3) Satisfies expectations.
- 8 (4) Exceeds expectations.
- 9 (5) Significantly exceeds expectations.

10 (c) Pending the promulgation of rules by the
11 department defining each level of effectiveness, the
12 applicable governing board may establish and implement
13 temporary definitions for each level.

14 (d) A teacher evaluation performed pursuant to this
15 act is a sensitive personnel record.

16 Section 7. After the first course of teacher
17 evaluations performed pursuant to this act have been
18 completed, if a governing board determines that a reduction in
19 force is necessary, the most significant factor in the
20 decision to suspend or terminate the employment of a teacher
21 shall be the overall performance of the teacher on the annual
22 evaluation system adopted by the governing board pursuant to
23 this act.

24 Section 8. Before the beginning of the 2017-18
25 school year, the department shall do all of the following:

- 26 (1) Develop, implement, and publicly disseminate a
27 statewide student growth model for determining student growth

1 on assessments for purposes of teacher evaluations in order to
2 standardize student academic growth measures and ensure
3 teachers are measured according to the value they add to
4 student growth in the classroom or school, for teachers
5 serving as principals or assistant principals. The department
6 shall work with the Alabama Longitudinal Data System Center
7 created by an act of the Legislature during the 2016 Regular
8 Session. Nothing in this subdivision shall be construed to
9 usurp or diminish the authority of the department in
10 administering and implementing this act.

11 (2) Provide technical assistance to governing boards
12 in developing and implementing an evaluation system, including
13 providing or helping to develop training for evaluators.

14 (3) Develop, pursuant to this act, a model default
15 evaluation system as follows:

16 a. The default evaluation system shall be used by
17 all governing boards, unless the department authorizes the
18 local governing board to utilize a local evaluation system
19 developed pursuant to Section 4 and approved by the department
20 pursuant to Section 3.

21 b. A governing board that uses the state default
22 evaluation system may revise or adapt policies or processes in
23 the system to the extent consistent with this act and rules
24 promulgated by the department.

25 (4) Provide or approve evaluation forms to be used
26 in evaluations.

1 (5) Provide to the longitudinal data system links
2 between individual teacher evaluations and personnel data;
3 data on the number of teachers rated at each performance level
4 by school; data for teacher preparation programs in the state;
5 and achievement data for individual students. The department
6 shall annually report this data on the department website.

7 (6) Monitor evaluation systems established and
8 implemented by governing boards to ensure that evaluation
9 outcomes are consistent in the aggregate with student
10 achievement results at the school level and school district
11 level, as applicable; and that the evaluation system satisfies
12 the requirements of this act and rules promulgated by the
13 department; and direct any appropriate corrective actions.

14 Section 9. The governing board shall do all of the
15 following:

16 (1) Ensure that teachers and teachers serving as
17 principals or assistant principals are offered professional
18 development to continually improve instruction and student
19 achievement. Professional development shall be targeted for
20 the needs of each teacher pursuant to his or her evaluation
21 results, observations, and conferences.

22 (2) Use the default evaluation system for teachers
23 unless the governing board develops its own evaluation system
24 consistent with Section 4. A governing board may opt out of
25 the default system, if the governing board chooses to develop
26 its own system. If a governing board chooses to opt out, the
27 evaluation system developed by the governing board shall

1 continue to be subject to the percentage and definition
2 requirements of this act and approval by the department.

3 (3) Collect and publicly report data via its website
4 on the number of teachers at each effectiveness level by
5 school and school system. The governing board shall only
6 publish data that complies, in whole and in part, with state
7 and federal privacy laws. A teacher evaluation performed
8 pursuant to this act is a sensitive personnel record. Data
9 reported via the website of a governing board shall include a
10 definition of what constitutes an effective teacher for the
11 schools under the jurisdiction of that board.

12 (4) Monitor evaluation system implementation at the
13 school level to ensure that evaluation outcomes are consistent
14 in the aggregate with student achievement results at the
15 school level or school district level, as applicable; monitor
16 that the evaluation system satisfies the requirements of this
17 act, whether or not the evaluation system utilized by the
18 governing board is the opt out evaluation system or the
19 default evaluation system; implement rules promulgated by the
20 department; and direct any appropriate corrective action.

21 Section 10. (a) Evaluation results shall also be
22 used to provide high quality, job-embedded, and ongoing
23 mentoring, support, and professional development for teachers,
24 as appropriate, aligned to the needs of the teacher as
25 identified in his or her annual evaluation.

26 (b) Any teacher who receives a summative performance
27 evaluation rating of below expectations or significantly below

1 expectations for his or her annual evaluation shall be
2 provided a professional development reimbursement for the year
3 after the evaluation. The teacher shall pursue professional
4 development that specifically aligns with the recommendations
5 provided in his or her annual evaluation and shall receive
6 reimbursement from the governing board for the cost of the
7 professional development, not to exceed five hundred dollars
8 (\$500). Reimbursement shall be provided by the department
9 after the governing board certifies to the department evidence
10 of successful completion of professional development by the
11 teacher.

12 Section 11. (a) On or before the beginning of each
13 school year, the governing board shall distribute to each
14 employee a summary of the Educators Liability Trust Fund, as
15 provided in Section 16-22-4.1, Code of Alabama 1975, and a
16 summary of Section 36-1-12, Code of Alabama 1975, relating to
17 teacher immunity.

18 (b) The Department of Finance shall annually prepare
19 and provide to the department, and the department shall
20 distribute to each governing board, sufficient copies of the
21 summary for distribution to employees. The summary shall
22 include all of the following:

23 (1) A statement that the Educators Liability Trust
24 Fund provides sufficient coverage in the event a claim is made
25 or a suit is filed against an employee based on the
26 performance of his or her job duties.

27 (2) A statement of the policy limits.

1 (3) A statement relating to teacher immunity under
2 Section 36-1-12, Code of Alabama 1975.

3 (4) Any other information determined by the
4 department to be necessary to inform employees of the purpose
5 and benefits of the Educators Liability Trust Fund.

6 Section 12. Nonprobationary status is not available
7 for support personnel or a classified employee hired for the
8 first time to a position in a school or school district after
9 January 1, 2017.

10 Section 13. Sections 16-6C-3 and 16-24C-4 of the
11 Code of Alabama 1975, are amended to read as follows:

12 "§16-6C-3.

13 "(a) The Legislative School Performance Recognition
14 Program is created within the State Department of Education to
15 reward public schools that either:

16 "(1) Demonstrate high performance by being ranked in
17 the top ~~25~~ 10 percent of public schools, as ranked in the
18 school grading system created in Section 16-6C-2.

19 "(2) Demonstrate exemplary progress by improving the
20 overall annual ranking of the school by at least one letter
21 grade, as ranked in the school grading system created in
22 Section 16-6C-2.

23 "(b) All public schools that are ranked in the
24 school grading system created in Section 16-6C-2 are eligible
25 to participate in the program.

26 "(c) The State Superintendent of Education shall
27 prescribe guidelines for how the program shall be administered

1 and implemented by not later than ~~December 31, 2013,~~ but the
2 program may not be implemented by the State Superintendent of
3 Education or the State Department of Education until both of
4 the following have occurred: September 1, 2016.

5 "(1) ~~Rules governing how the program is to be~~
6 ~~administered and implemented have been promulgated by the~~
7 ~~State Department of Education pursuant to the Alabama~~
8 ~~Administrative Procedure Act.~~

9 "(2) ~~The school grading system created in Section~~
10 ~~16-6C-2 is in its second academic year of implementation.~~

11 "(d) In developing the program, the State
12 Superintendent of Education shall seek input from parents,
13 teachers, school administrators, existing State Department of
14 Education advisory groups or task forces, and other education
15 stakeholders on how the program may properly reflect not only
16 the overall academic proficiency of each public school but
17 also the academic improvements made by each public school.

18 "(e) Selected schools shall receive financial awards
19 depending on the availability of funds appropriated by the
20 Legislature to the program. The State Superintendent of
21 Education shall distribute funds to eligible schools on a
22 competitive basis based on the criteria set forth in this
23 section as well as in the rules governing how the program is
24 to be administered and implemented. When funds are awarded,
25 the State Superintendent of Education may award no more than
26 20 percent of the total appropriation to those schools
27 eligible for an award pursuant to subdivision (1) of

1 subsection (a). Any remaining amounts shall be awarded to
2 those schools eligible for an award pursuant to subdivision
3 (2) of subsection (a). No school may be eligible for an award
4 pursuant to both subdivision (1) and subdivision (2) of
5 subsection (a) at the same time.

6 "(f) Subject to the rules governing how the program
7 is to be administered and implemented, a school eligible for
8 an award pursuant to subdivision (1) or subdivision (2) of
9 subsection (a) shall be exempt from any statute or regulation
10 related to the prescribed use of funds at the school level, or
11 any categorical spending requirements imposed through the
12 appropriation of funds from the state, except those
13 requirements associated with the receipt of federal funds. A
14 school eligible for an award pursuant to subdivision (1) or
15 subdivision (2) of subsection (a) shall be eligible for the
16 flexibility provided by this subsection regardless of whether
17 the school receives a financial award as contemplated by
18 subsection (e).

19 "(g) A list of schools eligible for an award
20 pursuant to subdivision (1) or subdivision (2) of subsection
21 (a) shall be annually posted by the State Superintendent of
22 Education on the website of the department.

23 "(h) On or before September 1, 2016, the State
24 Department of Education shall adopt rules as necessary to
25 administer and implement this chapter.

26 "§16-24C-4.

1 "(a) No action may be proposed or approved based
2 upon personal or political reasons on the part of the
3 employer, chief executive officer, or governing board. A
4 teacher shall attain tenure, and a classified employee shall
5 attain nonprobationary status as follows:

6 "(1)a. Except as otherwise provided by Section
7 16-23-3, a teacher who is hired before January 1, 2017, who is
8 not an employee of a two-year educational institution operated
9 under the authority and control of the ~~Department of~~
10 ~~Postsecondary Education~~ Alabama Community College System,
11 shall attain tenure upon the completion of three complete,
12 consecutive school years of full-time employment as a teacher
13 with the same employer unless the governing board approves and
14 issues written notice of termination to the teacher on or
15 before the last day of the teacher's third consecutive,
16 complete school year of employment. ~~For purposes of this~~
17 ~~chapter, a probationary teacher whose employment or~~
18 ~~reemployment is effective prior to October 1 of the school~~
19 ~~year and who completes the school year shall be deemed to have~~
20 ~~served a complete school year.~~ A teacher employed by a
21 two-year educational institution operated under the authority
22 and control of the ~~Department of Postsecondary Education~~
23 Alabama Community College System shall attain tenured status
24 upon the completion of six consecutive semesters, excluding
25 summer terms, at the same two-year institution, unless the
26 president issues notice of termination to the teacher on or
27 before 15 days prior to the end of the sixth consecutive

1 semester of employment, excluding summer terms. No
2 probationary teacher employed by a two-year educational
3 institution operated under the authority and control of the
4 ~~Department of Postsecondary Education~~ Alabama Community
5 College System shall attain tenure during or at the completion
6 of a summer term. For teachers who are required to hold a
7 professional educator's certificate, time in service without
8 such a certificate shall not be credited toward the attainment
9 of tenure.

10 "b. Except as otherwise provided by Section 16-23-3,
11 a teacher who is hired on or after January 1, 2017, who is not
12 an employee of a two-year educational institution operated
13 under the authority and control of the Alabama Community
14 College System, shall attain tenure upon the completion of
15 five or more complete, consecutive school years of full-time
16 employment as a teacher with the same employer if the teacher
17 receives three consecutive ratings of satisfies expectations,
18 exceeds expectations, or significantly exceeds expectations
19 pursuant to the PREP Act of 2016. To attain tenure, the three
20 consecutive years of satisfies expectations, exceeds
21 expectations, or significantly exceeds expectations ratings
22 shall be earned during the last three years of the five year
23 time period. Before tenure is attained, a governing board may
24 approve and issue written notice of termination to the teacher
25 on or before the last day of any school year of employment.
26 Once tenure is attained, a teacher may be evaluated every
27 second year thereafter, unless or until the teacher receives a

1 rating of below expectations or significantly below
2 expectations pursuant to the PREP Act of 2016. A tenured
3 teacher who receives a rating of below expectations or
4 significantly below expectations shall be evaluated annually
5 for the immediately following two consecutive years. Two
6 consecutive ratings of below expectations or significantly
7 below expectations shall subject a teacher to personnel action
8 by the governing board including, but not limited to,
9 mandatory intensive professional development, revocation of
10 tenure, or termination of employment. In the event tenure is
11 revoked, a teacher may again attain tenure upon earning three
12 consecutive ratings of satisfies expectations, exceeds
13 expectations, or significantly exceeds expectations pursuant
14 to the PREP Act of 2016.

15 "c. For purposes of this chapter, a probationary
16 teacher whose employment or reemployment is effective prior to
17 October 1 of the school year and who completes the school year
18 shall be deemed to have served a complete school year.

19 "(2) A probationary classified employee who is not
20 an employee of a two-year educational institution operated
21 under the authority and control of the ~~Department of~~
22 ~~Postsecondary Education~~ Alabama Community College System
23 attains nonprobationary status upon the completion of ~~three~~
24 ~~five~~ complete, consecutive school years of full-time
25 employment with the same employer unless the governing body of
26 the employer approves and issues written notice of termination
27 to the employee on or before the fifteenth day of June

1 immediately following the employee's ~~third~~ fifth consecutive
2 complete school year of employment. In the first year of each
3 legislative quadrennium, the written notice shall be provided
4 on or before June 30. For purposes of this chapter, a
5 probationary classified employee whose employment or
6 reemployment is effective prior to October 1 of the school
7 year and who completes the school year shall be deemed to have
8 served a complete school year. A probationary classified
9 employee of a two-year educational institution operated under
10 the authority and control of the ~~Department of Postsecondary~~
11 ~~Education~~ Alabama Community College System shall attain
12 nonprobationary status upon the completion of 36 consecutive
13 months of employment at the same two-year institution, unless
14 the president issues notice of termination to the classified
15 employee on or before 15 days prior to the end of the
16 thirty-sixth month of employment.

17 "(3) All of the following additional terms,
18 conditions, and limitations apply to the attainment and
19 retention of tenure or nonprobationary status:

20 "a. Only complete school years of service as defined
21 in this chapter, including any leave that is credited to the
22 employee for such purposes under board policy or applicable
23 law, may be credited to the attainment of tenure or
24 nonprobationary status.

25 "b. Neither tenure nor nonprobationary status may be
26 attained as a chief executive officer, a chief school
27 financial officer, as a president or vice president of a

1 two-year educational institution operated under the authority
2 and control of the ~~Department of Postsecondary Education~~
3 Alabama Community College System, or in or by virtue of
4 employment in temporary, part-time, substitute, summer school,
5 occasional, seasonal, supplemental, irregular, or like forms
6 of employment, or in positions that are created to serve
7 experimental, pilot, temporary, or like special programs,
8 projects, or purposes, the funding and duration of which are
9 finite.

10 "c. Except as expressly provided to the contrary
11 elsewhere in this chapter, neither tenure nor nonprobationary
12 status in this chapter creates or confers any enforceable
13 right or protected interest in or to a specific position,
14 rank, work site or location, assignment, title, or rate of
15 compensation within those categories of employment.

16 "d. Service performed as a teacher may not be
17 converted to, recognized, or otherwise credited to the
18 employee for the purpose of attaining nonprobationary status
19 as a classified employee. Service performed in the capacity of
20 a classified employee may not be converted to, recognized, or
21 otherwise credited to the employee for the purpose of
22 attaining tenure as a teacher, whether or not the classified
23 employee holds a certificate issued by the State Department of
24 Education.

25 "e. Neither tenured status nor time in probationary
26 service shall be transferable from one employer subject to
27 this chapter to another such employer, except that employees

1 whose employer changes by virtue of annexation, school
2 district formation, consolidation, or a similar reorganization
3 over which the employee has no control shall retain tenure or
4 nonprobationary status and service credit attained by virtue
5 of employment with the predecessor employer."

6 Section 14. (a) The Alabama Teacher Recruitment Fund
7 is established.

8 (b) A teacher who works in one of the following may
9 be eligible for a one-time initial bonus of two thousand five
10 hundred dollars (\$2,500) before the beginning of the next
11 school year upon approval by the local employing board and the
12 State Superintendent of Education. An additional bonus of up
13 to one thousand dollars (\$1,000) may be provided to the
14 teacher at the beginning of his or her fourth school year at
15 the same school where he or she received the initial bonus
16 pursuant to this section:

17 (1) A failing school that is included in the bottom
18 six percent of failing schools as defined by the Alabama
19 Accountability Act of 2013, or pursuant to the school grading
20 system pursuant to Chapter 6C of Title 16, Code of Alabama
21 1975.

22 (2) A school that has 80 percent or more of the
23 student population of the school receiving free or reduced
24 lunch.

25 (3) A school that is in restructuring or
26 reconstitution status, as determined and reported by the State
27 Department of Education.

1 (4) A school or school system that is geographically
2 unable to provide adequate staff, based on documentation
3 provided by the governing board to the State Superintendent of
4 Education.

5 (c) The initial and subsequent bonus may be provided
6 if the teacher satisfies any of the following:

7 (1) Teaches a subject that is in critical shortage
8 as defined by the local school system and approval by the
9 department.

10 (2) Is a career technical or special education
11 teacher and the job position or opening has been pending for
12 longer than six months.

13 (3) Is a new teacher or has received a minimum
14 rating of satisfies expectations on his or her most recent
15 evaluation pursuant to the PREP Act of 2016.

16 (d) If the teacher fills a position during the
17 school year, the amount of the initial bonus shall be prorated
18 based on the actual number of days worked during that school
19 year.

20 (e) A teacher may receive each bonus only one time
21 during his or her career as a teacher.

22 (f) By June 30 of each year, the State Department of
23 Education shall submit a report to the Speaker of the House of
24 Representatives, the President Pro Tempore of the Senate, the
25 Chair of the House Ways and Means, Education Committee, and
26 the Chair of the Senate Finance and Taxation, Education
27 Committee listing the schools, number of teachers per school,

1 amount of each bonus, and the subject each teacher teaches
2 utilizing the Alabama Teacher Recruitment Fund from the
3 previous school year.

4 (g) The State Superintendent of Education may
5 decrease the amount of any bonus contingent on factors
6 including, but not limited to, demand, number of schools
7 requesting bonuses, and geographical distribution.

8 (h) The sum of five million dollars (\$5,000,000) is
9 appropriated from the Education Trust Fund to the Alabama
10 Teacher Recruitment Fund, for the fiscal year ending September
11 30, 2017. Any leftover funds shall revert to the Education
12 Trust Fund.

13 Section 15. (a) There is established the Alabama
14 Teacher Mentor Program.

15 (b) The purpose of the mentor program is to provide
16 for the continuous improvement and growth of new teachers. The
17 program, as developed by rule of the department, shall have
18 all of the following:

19 (1) Goals that reflect local needs and are aligned
20 with the goals of the local school district and the state.

21 (2) Clearly defined roles and responsibilities for
22 mentor teachers.

23 (3) The requirement of mid-year and year-end
24 reporting by the mentor teacher to the principal relating to
25 the progress of the new teacher.

1 (4) The requirement of at least two meetings per
2 month of the mentor teacher and the first year teacher during
3 the school year.

4 (c) At the beginning of each school year, each
5 teacher who is beginning his or her first year of teaching in
6 the public schools of the state shall be assigned a mentor
7 teacher.

8 (d) A mentor teacher shall be identified and
9 recommended by the school principal based on consistent
10 ratings of exceeds expectations and significantly exceeds
11 expectations, should have at least five years of teaching
12 experience, and shall be compensated in an amount of no more
13 than one thousand dollars (\$1,000) for the year by the
14 governing board for his or her services as a mentor. Any
15 compensation provided a mentor teacher pursuant to this
16 section shall be in accordance with all applicable local,
17 state, and federal law.

18 (e) The sum of three million dollars (\$3,000,000) is
19 appropriated from the Education Trust Fund to the Alabama
20 Teacher Mentor Program, for the fiscal year ending September
21 30, 2017. Any leftover funds shall revert to the Education
22 Trust Fund.

23 Section 16. (a) There is established the Legislative
24 Teacher Advisement Committee.

25 (b) The committee shall do all of the following:

26 (1) Assist the Legislature in crafting education
27 policy relating to the PREP Act.

1 (2) Annually make recommendations to the State Board
2 of Education and the Legislature relating to the model
3 evaluation system and local evaluation systems developed
4 pursuant to the PREP Act.

5 (3) Select a liaison from among the membership of
6 the committee to serve as a point of contact with
7 the Legislature. As necessary, the legislative liaison shall
8 create an agenda of topics to be discussed, taking into
9 consideration the input of all members of the committee and
10 the Legislature.

11 (4) Make any other recommendations relating to
12 classroom instruction issues to the Legislature, State
13 Superintendent of Education, or State Board of Education, as
14 deemed necessary.

15 (c) Initial appointments to the committee shall
16 begin after December 1, 2016. The committee shall consist of
17 the following members:

18 (1) Nine public K-12 teachers, each appointed by one
19 of the nine members of the State Board of Education. A teacher
20 member of the committee shall be actively teaching or shall
21 have taught within the last five years and have at least five
22 years of experience as a teacher. Three of the initial teacher
23 members shall serve an initial term of 1 year, three of the
24 initial teacher members shall serve an initial term of two
25 years, and three of the initial teacher members shall serve an
26 initial term of three years. Thereafter, all appointed teacher
27 members shall serve terms of three years.

1 (2) Two public K-12 school principals appointed by
2 the membership of the State Board of Education. One of the
3 principal members of the committee shall be an actively
4 serving elementary school principal and one of the principal
5 members of the committee shall be an actively serving
6 secondary school principal. One of the initial principal
7 members shall serve an initial term of two years and one of
8 the initial principal members shall serve an initial term of
9 three years. Thereafter, all appointed principal members shall
10 serve terms of three years.

11 (d) Membership of the commission shall be inclusive
12 and reflect the racial, gender, geographic, urban/rural, and
13 economic diversity of the state. Initial members shall serve
14 until their successors are appointed. In the event of death or
15 resignation of any member of the committee, a successor shall
16 be appointed by the person or entity that made the original
17 appointment and the successor appointed to the vacancy shall
18 serve for the remainder of the unexpired term. A majority of
19 the members of the committee shall constitute a quorum for
20 transacting business or performing any duties.

21 (e) The organizational meeting of the committee
22 shall be held on or before February 1, 2017. At the
23 organizational meeting of the committee, and at the first
24 meeting of the committee each year thereafter, the committee
25 shall elect from its membership a chair and a vice chair, who
26 shall serve in those positions for one year. Thereafter, the
27 committee shall meet at least biannually and at the call of

1 the chair, vice chair, or upon the request of five or more
2 members, with notice and procedure as prescribed by the rules
3 of the committee.

4 (f) Each member of the committee shall serve without
5 compensation and shall have demonstrated an understanding of
6 and commitment to the development of state and local
7 evaluation systems as a tool for strengthening public
8 education and shall sign an agreement to hear and review
9 documents and make recommendations in a fair and impartial
10 manner.

11 (g) The committee shall have the same access to
12 unidentified data as the department under the PREP Act.

13 Section 17. Although this bill would have as its
14 purpose or effect the requirement of a new or increased
15 expenditure of local funds, the bill is excluded from further
16 requirements and application under Amendment 621, now
17 appearing as Section 111.05 of the Official Recompilation of
18 the Constitution of Alabama of 1901, as amended, because the
19 bill addresses compensation, benefits, or due process of an
20 employee of a board of education.

21 Section 18. This act shall become effective
22 immediately following its passage and approval by the
23 Governor, or its otherwise becoming law.