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3 SUBSTITUTE FOR SB316  
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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 and student growth.

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.

27 This bill would increase the number of years  
28 of service required to attain tenured status  
29 pursuant to the Students First Act of 2011, as

1 amended by this act, under the same governing board  
2 from three to five consecutive years with three  
3 consecutive ratings of effective or exemplary  
4 pursuant to this act; would allow a governing board  
5 to evaluate a tenured teacher every other year; and  
6 would subject a tenured teacher who receives a  
7 rating of developing or ineffective to two  
8 consecutive annual evaluations immediately  
9 thereafter.

10 This bill would subject any tenured teacher  
11 who receives two consecutive ratings of ineffective  
12 pursuant to this act to personnel action by the  
13 governing board.

14 This bill would establish the Alabama  
15 Teacher Recruitment Fund and would make an  
16 appropriation of \$5,000,000 from the Education  
17 Trust Fund to the Alabama Teacher Recruitment Fund  
18 for the fiscal year ending September 30, 2017.

19 This bill would establish the Alabama  
20 Teacher Mentor Program, to provide continuity in  
21 the improvement and growth of new teachers, and  
22 would make an appropriation of \$3,000,000 from the  
23 Education Trust Fund to the Alabama Teacher Mentor  
24 Program for the fiscal year ending September 30,  
25 2017.

26 This bill would also establish the  
27 Legislative Teacher Advisement Committee to make  
28 recommendations to the Legislature, the State Board  
29 of Education, and the State Superintendent of

1 Education regarding issues of classroom instruction  
2 and performance rewards for schools.

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

16 The purpose or effect of this bill would be  
17 to require a new or increased expenditure of local  
18 funds within the meaning of the amendment. However,  
19 the bill does not require approval of a local  
20 governmental entity or enactment by a 2/3 vote to  
21 become effective because it comes within one of the  
22 specified exceptions contained in the amendment.

23  
24 A BILL

25 TO BE ENTITLED

26 AN ACT

27  
28 Relating to public education; to create the  
29 Preparing and Rewarding Educational Professionals (PREP) Act

1 of 2016; to provide a procedure for observing and evaluating  
2 teachers, principals, and assistant principals on performance  
3 and student achievement and student growth; to make an  
4 appropriation of \$10,000,000 from the Education Trust Fund to  
5 the Legislative School Performance Recognition Program, for  
6 the fiscal year ending September 30, 2017, to fund rewards  
7 earned by schools pursuant to that program; to amend Sections  
8 16-6C-3 and 16-24C-4, Code of Alabama 1975, to require  
9 implementation of the Legislative School Performance  
10 Recognition Program and to increase the number of years of  
11 service required to attain tenured status pursuant to the  
12 Students First Act of 2011, from three to five consecutive  
13 years with three consecutive ratings of effective or  
14 exemplary; to allow a governing board to evaluate a tenured  
15 teacher every other year; to subject a tenured teacher who  
16 receives a rating of ineffective to two consecutive annual  
17 evaluations immediately thereafter; to subject a tenured  
18 teacher who receives two consecutive ratings of ineffective  
19 pursuant to this act to personnel action by the governing  
20 board; to establish the Alabama Teacher Recruitment Fund; to  
21 make an appropriation of \$5,000,000 from the Education Trust  
22 Fund to the Alabama Teacher Recruitment Fund, for the fiscal  
23 year ending September 30, 2017; to establish the Alabama  
24 Teacher Mentor Program; to make an appropriation of \$3,000,000  
25 from the Education Trust Fund to the Alabama Teacher Mentor  
26 Program for the fiscal year ending September 30, 2017; to  
27 establish the Legislative Teacher Advisement Committee to make  
28 recommendations to the Legislature, State Board of Education,  
29 and State Superintendent of Education regarding classroom

1 instruction and school performance rewards; and in connection  
2 therewith to have as its purpose or effect the requirement of  
3 a new or increased expenditure of local funds within the  
4 meaning of Amendment 621 of the Constitution of Alabama of  
5 1901, now appearing as Section 111.05 of the Official  
6 Recompilation of the Constitution of Alabama of 1901, as  
7 amended.

8 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

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

14 (1) CHIEF EXECUTIVE OFFICER. The chief  
15 administrative and executive officer of an entity,  
16 institution, agency, or political subdivision of the state  
17 that is subject to this act and includes, without limitation,  
18 superintendents of city or county boards of education. The  
19 term includes persons serving in such a capacity on an acting  
20 or interim basis under lawful appointment or by operation of  
21 law.

22 (2) DEPARTMENT. The State Department of Education.

23 (3) EMPLOYEE. Unless otherwise specified, and as  
24 appropriate to the context, the term includes a teacher whose  
25 employment is subject to this act.

26 (4) DEVELOPING. A teacher who has received a  
27 summative performance evaluation rating that falls within the  
28 third highest tier of the evaluation system of the employer.

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

4 (6) EMPLOYER. The entity, institution, agency, or  
5 political subdivision of the state by which a teacher who is  
6 subject to this act is employed. Employers subject to this act  
7 include all city and county boards of education, all  
8 educational institutions under the control of the Department  
9 of Youth Services, and the Alabama Institute for Deaf and  
10 Blind.

11 (7) EXEMPLARY. A teacher who has received a  
12 summative performance evaluation rating that falls within the  
13 highest or top tier of the evaluation system of the employer.

14 (8) GOVERNING BOARD. The body of elected or  
15 appointed officials that is granted authority by law,  
16 regulation, or policy to make employment decisions on behalf  
17 of the employer. If final decision-making authority with  
18 respect to employment decisions is conferred by law,  
19 regulation, or duly adopted policy on an official,  
20 administrator, or organizational unit other than a separate  
21 governing board, the decision or action of such official,  
22 administrator, or organizational unit, is that of the  
23 governing board for purposes of this act, and no additional  
24 approval of such decision or action shall be required. Under  
25 such circumstances, the official administrator, president, or  
26 organizational unit shall assume and exercise the duties of  
27 the governing board established by this act. For purposes of  
28 this act, the State Board of Education shall not be deemed to

1 be or authorized to function as the employer or the governing  
2 board of an employer covered by this act.

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

6 (10) PROFESSIONAL EDUCATOR'S CERTIFICATE. A  
7 certificate or license, by whatever name, designation, or  
8 subclassification known or identified, issued by the State  
9 Department of Education, and that must be maintained by the  
10 teacher in order to be employed as a teacher in the county and  
11 city schools of this state. A professional educator's  
12 certificate does not include certificates or licenses that are  
13 issued to instructional aides or assistants, to substitute  
14 teachers, or to operations staff, or other employees whose job  
15 duties do not require or entail the instruction of students or  
16 the regular supervision of or interaction with employees with  
17 such job duties.

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

23 (12) STUDENT ACHIEVEMENT. Academic performance based  
24 on standards-based measures that are valid, rigorous, and  
25 comparable across classrooms of similar content, levels, and  
26 status as a state assessed or nonstate assessed subject.

27 (13) STUDENT GROWTH. The change in achievement for  
28 an individual student between two or more points in time as  
29 approved by the State Board of Education.

1 (14) STUDENT LEARNING OBJECTIVE. A developmentally  
2 appropriate and challenging measure of student achievement and  
3 student growth established by the department and selected by a  
4 governing board.

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

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



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

4 Section 3. (a) Beginning with the 2017-2018 school  
5 year, unless otherwise provided by this act, every nontenured  
6 teacher employed by a governing board shall be formally  
7 evaluated annually pursuant to this act and assigned a rating.  
8 Every teacher employed by a governing board, who has attained  
9 tenured status on or before the effective date of this act, at  
10 a minimum, shall be formally evaluated every other year  
11 pursuant to this act and assigned a rating.

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

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

27 (b) Measures of student achievement and student  
28 growth shall comprise a minimum of 25 percent of the total  
29 year-end teacher evaluation score. The default evaluation

1 system developed by the department and any local evaluation  
2 system developed by a governing board shall comply with the  
3 requirements of this subsection. A governing board may not  
4 waive the requirements of this subsection pursuant to a  
5 flexibility contract between the governing board and the  
6 department under the Alabama Accountability Act of 2013.

7 Student achievement and student growth shall be measured as  
8 follows:

9 a.1. For the purpose of calculating student  
10 achievement and student growth for teachers of state assessed  
11 subjects, the local district shall use performance on the ACT  
12 Aspire examination, American College Test (ACT), or any  
13 successor examination adopted and used by the department to  
14 measure student academic performance and achievement growth as  
15 a part of the calculation. Districts may choose to also  
16 include other examinations or measures approved by the  
17 department that measure student achievement and student  
18 growth, including examinations developed at the local level,  
19 standardized benchmark assessments administered at the local  
20 level, or student learning objectives, if applicable.

21 Districts granted a flexibility waiver from administering the  
22 ACT Aspire examination and other examinations shall be  
23 exempted from using those same examinations in calculating  
24 student achievement and student growth pursuant to this act.  
25 At least half of the total calculation computed pursuant to  
26 this paragraph shall be based on the ACT Aspire examination,  
27 American College Test (ACT), or successor examination. The  
28 remaining percentage of the total calculation computed  
29 pursuant to this paragraph shall be based on other

1 examinations or measures approved by the department pursuant  
2 to this paragraph.

3 2. On or before October 1, 2016, the department  
4 shall choose a method of measuring student achievement and  
5 student growth for purposes of complying with this section and  
6 shall report that choice to the State Board of Education.

7 3. The department may include additional  
8 examinations or student learning objectives as evidence of  
9 student achievement and student growth provided that the data  
10 from those examinations is compatible with the method of  
11 measuring student achievement and student growth selected by  
12 the department.

13 b. For teachers of any nonstate assessed subject  
14 areas, evidence of student achievement and student growth  
15 shall be based on student learning objectives from the  
16 department developed list of preapproved options for governing  
17 boards to utilize to measure student achievement and student  
18 growth.

19 c. The measure of student achievement and student  
20 growth shall be based on at least three years of data, if  
21 available. If three consecutive school years of data are not  
22 available for a teacher, the annual year-end evaluation shall  
23 be based on all student achievement and student growth data  
24 that is available for the teacher.

25 (c) The default evaluation system developed by the  
26 department and any local evaluation system developed by a  
27 governing board may apportion the remaining maximum of 75  
28 percent of the total year-end teacher evaluation score as the  
29 department or governing board determines best. A governing

1 board shall have flexibility in determining the weight of each  
2 of the following when developing and revising a local  
3 evaluation system. The governing board may not waive the  
4 requirement of complying with this subsection pursuant to a  
5 flexibility contract between the governing board and the  
6 department under the Alabama Accountability Act of 2013. At a  
7 minimum, an evaluation system shall contain all of the  
8 following:

9 (1) At least two observations per school year. One  
10 observation shall be conducted by the school principal,  
11 assistant principal, or his or her designee. An observation  
12 shall be aligned to a clear, consistent rubric provided to the  
13 teacher before the beginning of the school year that assesses  
14 teacher performance as it relates to evidence-based  
15 instructional practices that promote student achievement. An  
16 observation may be announced or unannounced, and shall be of  
17 sufficient duration to provide meaningful data. The total sum  
18 duration of all observations conducted on a teacher during a  
19 school year shall be at least 60 minutes. All observations  
20 shall be conducted by evaluators who have a full understanding  
21 of the evaluation system and its expectations for teachers and  
22 evaluators. No person shall be responsible for the evaluation  
23 of personnel unless the person has received education and  
24 training in evaluation skills approved by the department that  
25 enable him or her to make fair, professional, and credible  
26 evaluations of the personnel whom he or she is responsible for  
27 evaluating.

28 (2) Student surveys from students in grades three  
29 and above.

1 (3) A professional growth plan and evidence of  
2 professional learning.

3 (4) A focus on collaboration among colleagues and  
4 work performed by a teacher beyond the classroom that has a  
5 positive impact in the overall culture of the classroom,  
6 school, or school district, or any combination of these.

7 (5) Additional measures of performance correlated  
8 with impacts on student achievement and student growth results  
9 or best practices of teaching and learning for engaging and  
10 motivating students to excel academically. Additional measures  
11 of performance shall comprise the remaining percentage of  
12 total year-end teacher evaluation scores.

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

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

1 (e) Any provision of this section to the contrary  
2 notwithstanding, an educational institution under the control  
3 of the Department of Youth Services shall have complete  
4 flexibility in determining the appropriate weight of all  
5 measures of performance for teachers listed in subsection (c),  
6 and excluding student achievement and student growth measures  
7 as provided in subsection (b), for determining year-end  
8 teacher evaluation scores.

9 Section 5. (a) The default evaluation system for  
10 teachers serving as principals or assistant principals  
11 developed by the department pursuant to this act shall define  
12 the elements of evaluation and standards for effectiveness for  
13 teachers serving as principals or assistant principals at the  
14 K-12 level.

15 (b) Measures of student achievement and student  
16 growth shall comprise a minimum of 25 percent of the total  
17 year-end evaluation score for teachers serving as principals  
18 and teachers serving as assistant principals. The default  
19 evaluation system developed by the department and any local  
20 evaluation system developed by a governing board shall comply  
21 with the requirements of this subsection. A governing board  
22 may not waive the requirements of this subsection pursuant to  
23 a flexibility contract between the governing board and the  
24 department under the Alabama Accountability Act of 2013.  
25 Evidence of student achievement and student growth shall be  
26 measured using a method selected by the department.

27 (c) The default evaluation system developed by the  
28 department, and any local evaluation system developed by a  
29 governing board, may apportion the remaining maximum of 75

1 percent of the total year-end evaluation score for teachers  
2 serving as principals and teachers serving as assistant  
3 principals as the department or governing board determines  
4 best. A governing board shall have flexibility in determining  
5 the weight of each of the following when developing and  
6 revising a local evaluation system. The governing board may  
7 not waive the requirement of complying with this subsection  
8 pursuant to a flexibility contract between the governing board  
9 and the department under the Alabama Accountability Act of  
10 2013. At a minimum, an evaluation system shall contain  
11 multiple fair, transparent, timely, rigorous, and valid  
12 standards of quality leadership and performance as determined  
13 by the department, including a professional growth plan  
14 developed by each principal or assistant principal  
15 collaborating with his or her evaluator or evaluators at the  
16 beginning of each evaluation period. The growth plan shall be  
17 designed to assist each principal or assistant principal in  
18 satisfying the standards for effectiveness, effectively  
19 addressing the needs of students, classroom teachers, and  
20 staff, and building and maintaining a school environment that  
21 is conducive to continuous learning. Each growth plan shall  
22 include a statement of the professional development objectives  
23 of the principal or assistant principal as well as the  
24 strategies the principal or assistant principal intends to  
25 employ toward the achievement of each objective. These shall  
26 include, but not be limited to, standards for sufficiently  
27 demonstrating all of the following:

28 (1) Professional qualities and instructional  
29 leadership.

- 1 (2) School culture.
- 2 (3) Professional growth and learning.
- 3 (4) Student growth and student achievement.
- 4 (5) School planning and progress.
- 5 (6) Stakeholder support and engagement.

6 (d) Any provision of this section to the contrary  
7 notwithstanding, an educational institution under the control  
8 of the Department of Youth Services shall have complete  
9 flexibility in determining the appropriate weight of all  
10 measures of performance for teachers serving as principals and  
11 teachers serving as assistant principals listed in subsection  
12 (c), and excluding student achievement and student growth  
13 measures as provided in subsection (b), for determining year-  
14 end evaluation scores.

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

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

- 24 (1) Ineffective.
- 25 (2) Developing.
- 26 (3) Effective.
- 27 (4) Exemplary.

28 (c) Pending the promulgation of rules by the  
29 department defining each level of effectiveness, the



1 applicable governing board may establish and implement  
2 temporary definitions for each level.

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

5 (e) The department shall annually publish on its  
6 website the aggregate number of teachers receiving each rating  
7 statewide.

8 Section 7. Before the beginning of the 2017-18  
9 school year, the department shall do all of the following:

10 (1) Develop, implement, and publicly disseminate a  
11 method for measuring student achievement and student growth  
12 for purposes of teacher evaluations in order to standardize  
13 student academic measures and ensure teachers are evaluated  
14 according to the impact they have on student achievement and  
15 student growth in the classroom or school, for teachers and  
16 teachers serving as principals or assistant principals. The  
17 department shall work with the Alabama Longitudinal Data  
18 System Center created by an act of the Legislature during the  
19 2016 Regular Session. Nothing in this subdivision shall be  
20 construed to usurp or diminish the authority of the department  
21 in administering and implementing this act.

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

25 (3) Develop, pursuant to this act, a default  
26 evaluation system as follows:

27 a. The default evaluation system shall be used by  
28 all governing boards, unless the department authorizes the  
29 local governing board to utilize a local evaluation system

1 developed pursuant to Section 4 and approved by the department  
2 pursuant to Section 3. Any request to utilize a local  
3 evaluation system shall be automatically approved if not  
4 denied by the department within 30 days after submission to  
5 the department for approval.

6 b. A governing board that uses the state default  
7 evaluation system may revise or adapt policies or processes in  
8 the system to the extent consistent with this act and rules  
9 promulgated by the department.

10 (4) Provide default evaluation forms to be used in  
11 evaluations.

12 (5) For the purposes of research only, provide to  
13 the longitudinal data system available data on the number of  
14 teachers rated at each performance level statewide.

15 (6) Monitor each evaluation system established and  
16 implemented by a governing board to ensure that, at the school  
17 level and school district level, each evaluation system  
18 satisfies the requirements of this act and rules promulgated  
19 by the department; and direct any appropriate corrective  
20 actions.

21 Section 8. The governing board shall do all of the  
22 following:

23 (1) Ensure that teachers and teachers serving as  
24 principals or assistant principals are offered professional  
25 development to continually improve instruction, student  
26 achievement, and student growth. Professional development  
27 shall be targeted for the needs of each teacher pursuant to  
28 his or her evaluation results, observations, and conferences.

1 (2) Use the default evaluation system for teachers  
2 unless the governing board develops its own evaluation system  
3 consistent with Section 4. A governing board may opt out of  
4 the default evaluation system, if the governing board chooses  
5 to develop its own system. If a governing board chooses to opt  
6 out, the evaluation system developed by the governing board  
7 shall continue to be subject to the percentage and definition  
8 requirements of this act and approval by the department.

9 (3) Collect and publicly report on its website  
10 school report cards for all schools under its jurisdiction. A  
11 governing board that does not promptly comply with this  
12 subdivision for all schools under its jurisdiction shall  
13 report on the website of the board teacher ratings for the  
14 entire local school system. Any reporting shall comply with  
15 any applicable state and federal privacy laws.

16 (4) Monitor evaluation system implementation at the  
17 school level to ensure that the evaluation system satisfies  
18 the requirements of this act; implement rules promulgated by  
19 the department; and direct any appropriate corrective action.

20 Section 9. (a) Evaluation results shall also be used  
21 to provide high quality, job-embedded, and ongoing mentoring,  
22 support, and professional development for teachers, as  
23 appropriate, aligned to the needs of the teacher as identified  
24 in his or her annual evaluation, when state funding is  
25 provided.

26 (b) Any teacher who receives a summative performance  
27 evaluation rating of developing or ineffective for his or her  
28 annual evaluation and who is retained by the governing board  
29 shall be provided with professional development during the

1 year after the evaluation. The teacher shall pursue  
2 professional development that specifically aligns with the  
3 recommendations provided in his or her annual evaluation. The  
4 job-embedded professional development reimbursement, in an  
5 amount not to exceed five hundred dollars (\$500) per teacher,  
6 shall be provided by the department to the governing board and  
7 shall be spent for the benefit of the specific teacher to  
8 address the specific deficiencies identified in his or her  
9 annual evaluation. Reimbursement from the department to the  
10 governing board shall be made upon certification by the  
11 governing board to the department of the number of teachers  
12 who received a summative performance evaluation rating of  
13 developing or ineffective for the prior academic year.

14 Section 10. (a) On or before the beginning of each  
15 school year, the governing board shall distribute to each  
16 employee a summary of the Educators Liability Trust Fund, as  
17 provided in Section 16-22-4.1, Code of Alabama 1975, and a  
18 summary of Section 36-1-12, Code of Alabama 1975, relating to  
19 teacher immunity.

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

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

29 (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 11. 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 12. 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  
28 and implemented by not later than ~~December 31, 2013,~~ but the  
29 ~~program may not be implemented by the State Superintendent of~~

1 ~~Education or the State Department of Education until both of~~  
2 ~~the following have occurred:~~ September 1, 2016.

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

7 ~~"(2) The school grading system created in Section~~  
8 ~~16-6C-2 is in its second academic year of implementation.~~

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

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

1 pursuant to both subdivision (1) and subdivision (2) of  
2 subsection (a) at the same time.

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

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

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

23 "§16-24C-4.

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

1                   "(1)a. Except as otherwise provided by Section 16-  
2   23-3, a teacher who is hired before January 1, 2017, who is  
3   not an employee of a two-year educational institution operated  
4   under the authority and control of the ~~Department of~~  
5   ~~Postsecondary Education~~ Alabama Community College System,  
6   shall attain tenure upon the completion of three complete,  
7   consecutive school years of full-time employment as a teacher  
8   with the same employer unless the governing board approves and  
9   issues written notice of termination to the teacher on or  
10  before the last day of the teacher's third consecutive,  
11  complete school year of employment. ~~For purposes of this~~  
12  ~~chapter, a probationary teacher whose employment or~~  
13  ~~reemployment is effective prior to October 1 of the school~~  
14  ~~year and who completes the school year shall be deemed to have~~  
15  ~~served a complete school year.~~ A teacher employed by a two-  
16  year educational institution operated under the authority and  
17  control of the ~~Department of Postsecondary Education~~ Alabama  
18  Community College System shall attain tenured status upon the  
19  completion of six consecutive semesters, excluding summer  
20  terms, at the same two-year institution, unless the president  
21  issues notice of termination to the teacher on or before 15  
22  days prior to the end of the sixth consecutive semester of  
23  employment, excluding summer terms. No probationary teacher  
24  employed by a two-year educational institution operated under  
25  the authority and control of the ~~Department of Postsecondary~~  
26  ~~Education~~ Alabama Community College System shall attain tenure  
27  during or at the completion of a summer term. For teachers who  
28  are required to hold a professional educator's certificate,



1 time in service without such a certificate shall not be  
2 credited toward the attainment of tenure.

3 "b. Except as otherwise provided by Section 16-23-3,  
4 a teacher who is hired on or after January 1, 2017, who is not  
5 an employee of a two-year educational institution operated  
6 under the authority and control of the Alabama Community  
7 College System, shall become eligible to be awarded tenure  
8 upon the completion of five or more complete, consecutive  
9 school years of full-time employment as a teacher with the  
10 same employer if the teacher receives three consecutive  
11 ratings of effective or exemplary pursuant to the PREP Act of  
12 2016. To be eligible for tenure, the three consecutive years  
13 of effective or exemplary ratings shall be earned during the  
14 last three years of the five-year time period. Once tenure is  
15 attained, a teacher may be evaluated every second year  
16 thereafter, unless or until the teacher receives a rating of  
17 developing or ineffective pursuant to the PREP Act of 2016. A  
18 tenured teacher who receives a rating of developing or  
19 ineffective shall be evaluated annually for the immediately  
20 following two consecutive years. Two consecutive ratings of  
21 ineffective shall subject a teacher to personnel action by the  
22 governing board including, but not limited to, mandatory  
23 intensive professional development, revocation of tenure, or  
24 termination of employment. In the event tenure is revoked, a  
25 teacher may again attain tenure upon earning three consecutive  
26 ratings of effective or exemplary pursuant to the PREP Act of  
27 2016.

28 "c. For purposes of this chapter, a probationary  
29 teacher whose employment or reemployment is effective prior to

1 October 1 of the school year and who completes the school year  
2 shall be deemed to have served a complete school year.

3 "(2) A probationary classified employee hired before  
4 January 1, 2017, who is not an employee of a two-year  
5 educational institution operated under the authority and  
6 control of the ~~Department of Postsecondary Education~~ Alabama  
7 Community College System attains nonprobationary status upon  
8 the completion of three complete, consecutive school years of  
9 full-time employment with the same employer unless the  
10 governing body of the employer approves and issues written  
11 notice of termination to the employee on or before the  
12 fifteenth day of June immediately following the employee's  
13 third consecutive complete school year of employment. In the  
14 first year of each legislative quadrennium, the written notice  
15 shall be provided on or before June 30. For purposes of this  
16 chapter, a probationary classified employee whose employment  
17 or reemployment is effective prior to October 1 of the school  
18 year and who completes the school year shall be deemed to have  
19 served a complete school year. A probationary classified  
20 employee of a two-year educational institution operated under  
21 the authority and control of the ~~Department of Postsecondary~~  
22 ~~Education~~ Alabama Community College System shall attain  
23 nonprobationary status upon the completion of 36 consecutive  
24 months of employment at the same two-year institution, unless  
25 the president issues notice of termination to the classified  
26 employee on or before 15 days prior to the end of the thirty-  
27 sixth month of employment.

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

4           "a. Only complete school years of service as defined  
5 in this chapter, including any leave that is credited to the  
6 employee for such purposes under board policy or applicable  
7 law, may be credited to the attainment of tenure or  
8 nonprobationary status.

9           "b. Neither tenure nor nonprobationary status may be  
10 attained as a chief executive officer, a chief school  
11 financial officer, as a president or vice president of a two-  
12 year educational institution operated under the authority and  
13 control of the ~~Department of Postsecondary Education~~ Alabama  
14 Community College System, or in or by virtue of employment in  
15 temporary, part-time, substitute, summer school, occasional,  
16 seasonal, supplemental, irregular, or like forms of  
17 employment, or in positions that are created to serve  
18 experimental, pilot, temporary, or like special programs,  
19 projects, or purposes, the funding and duration of which are  
20 finite.

21           "c. Except as expressly provided to the contrary  
22 elsewhere in this chapter, neither tenure nor nonprobationary  
23 status in this chapter creates or confers any enforceable  
24 right or protected interest in or to a specific position,  
25 rank, work site or location, assignment, title, or rate of  
26 compensation within those categories of employment.

27           "d. Service performed as a teacher may not be  
28 converted to, recognized, or otherwise credited to the  
29 employee for the purpose of attaining nonprobationary status

1 as a classified employee. Service performed in the capacity of  
2 a classified employee may not be converted to, recognized, or  
3 otherwise credited to the employee for the purpose of  
4 attaining tenure as a teacher, whether or not the classified  
5 employee holds a certificate issued by the State Department of  
6 Education.

7 "e. Neither tenured status nor time in probationary  
8 service shall be transferable from one employer subject to  
9 this chapter to another such employer, except that employees  
10 whose employer changes by virtue of annexation, school  
11 district formation, consolidation, or a similar reorganization  
12 over which the employee has no control shall retain tenure or  
13 nonprobationary status and service credit attained by virtue  
14 of employment with the predecessor employer."

15 Section 13. (a) The Alabama Teacher Recruitment Fund  
16 is established.

17 (b) A teacher who works in one of the following  
18 schools shall be eligible for an initial bonus of up to one  
19 thousand dollars (\$1,000) before the beginning of the next  
20 school year upon approval by the local employing board and the  
21 State Superintendent of Education. An additional bonus of up  
22 to one thousand dollars (\$1,000) may be provided to the  
23 teacher at the beginning of his or her second and third school  
24 year at the same school where he or she received the initial  
25 bonus pursuant to this section:

26 (1) A failing school that is included in the bottom  
27 six percent of failing schools as defined by the Alabama  
28 Accountability Act of 2013, or pursuant to the school grading

1 system pursuant to Chapter 6C of Title 16, Code of Alabama  
2 1975.

3 (2) A school that has 80 percent or more of the  
4 student population of the school receiving free or reduced  
5 lunch.

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

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

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

15 (1) Teaches a subject that is in critical shortage  
16 as defined by the local school system and approval by the  
17 department.

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

21 (3) Is a new teacher or has received a minimum  
22 rating of effective on his or her most recent evaluation  
23 pursuant to the PREP Act of 2016.

24 (d) If the teacher fills a position during the  
25 school year, the amount of the initial bonus shall be prorated  
26 based on the actual number of days worked during that school  
27 year.

28 (e) By June 30 of each year, the State Department of  
29 Education shall submit a report to the Speaker of the House of

1 Representatives, the President Pro Tempore of the Senate, the  
2 Chair of the House Ways and Means, Education Committee, and  
3 the Chair of the Senate Finance and Taxation, Education  
4 Committee listing the schools, number of teachers per school,  
5 amount of each bonus, and the subject each teacher teaches  
6 utilizing the Alabama Teacher Recruitment Fund from the  
7 previous school year.

8 (f) The State Superintendent of Education may  
9 decrease the amount of any bonus contingent on factors  
10 including, but not limited to, demand, number of schools  
11 requesting bonuses, and geographical distribution.

12 (g) The sum of five million dollars (\$5,000,000) is  
13 appropriated from the Education Trust Fund to the Alabama  
14 Teacher Recruitment Fund, for the fiscal year ending September  
15 30, 2017. Any leftover funds shall revert to the Education  
16 Trust Fund.

17 Section 14. (a) There is established the Alabama  
18 Teacher Mentor Program.

19 (b) The purpose of the mentor program is to provide  
20 for the continuous improvement and growth of new teachers. The  
21 program, as developed by rule of the department, shall have  
22 all of the following:

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

25 (2) Clearly defined roles and responsibilities for  
26 mentor teachers.

27 (3) The requirement of mid-year and year-end  
28 reporting by the mentor teacher to the principal relating to  
29 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 effective and exemplary, should have at least five  
11 years of teaching experience, and shall be compensated in an  
12 amount of no more than one thousand dollars (\$1,000) for the  
13 year by the governing board for his or her services as a  
14 mentor. Any compensation provided a mentor teacher pursuant to  
15 this section shall be in accordance with all applicable local,  
16 state, and federal law.

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

22 Section 15. (a) There is established the Legislative  
23 Teacher Advisement Committee.

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

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

27 (2) Annually make recommendations to the State Board  
28 of Education and the Legislature relating to the default

1 evaluation system and local evaluation systems developed  
2 pursuant to the PREP Act.

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

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

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

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

26 (2) Two public K-12 school principals appointed by  
27 the membership of the State Board of Education. One of the  
28 principal members of the committee shall be an actively  
29 serving elementary school principal and one of the principal



1 members of the committee shall be an actively serving  
2 secondary school principal. One of the initial principal  
3 members shall serve an initial term of two years and one of  
4 the initial principal members shall serve an initial term of  
5 three years. Thereafter, all appointed principal members shall  
6 serve terms of three years.

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

17 (e) The organizational meeting of the committee  
18 shall be held on or before February 1, 2017. At the  
19 organizational meeting of the committee, and at the first  
20 meeting of the committee each year thereafter, the committee  
21 shall elect from its membership a chair and a vice chair, who  
22 shall serve in those positions for one year. Thereafter, the  
23 committee shall meet at least biannually and at the call of  
24 the chair, vice chair, or upon the request of five or more  
25 members, with notice and procedure as prescribed by the rules  
26 of the committee.

27 (f) Each member of the committee shall serve without  
28 compensation and shall have demonstrated an understanding of  
29 and commitment to the development of state and local

1 evaluation systems as a tool for strengthening public  
2 education and shall sign an agreement to hear and review  
3 documents and make recommendations in a fair and impartial  
4 manner. Nothing in this subsection shall prevent the  
5 department from reimbursing a committee member for expenses  
6 incurred for service on the committee.

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

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

17 Section 17. This act shall become effective  
18 immediately following its passage and approval by the  
19 Governor, or its otherwise becoming law.