

SB33 ENROLLED



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



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1 Enrolled, An Act,

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4 Relating to public K-12 and public two-year
5 institutions of higher education; to amend Section 16-24C-3,
6 Code of Alabama 1975, relating to the Students First Act of
7 2011, to revise definitions relating to the teacher tenure
8 law; to add Article 2, commencing with Section 16-24B-50, to
9 Chapter 24B, Title 16, Code of Alabama 1975, to create the
10 Assistant Administrator Accountability Act; to provide for the
11 employment of assistant superintendents, assistant chief
12 school finance officers, and assistant principals of a school
13 system or school, including a vocational center, hired on or
14 after July 1, 2024, on a contract basis; and to require for
15 the employment of executive and administrative management
16 personnel by public two-year institutions of higher education
17 hired on or after July 1, 2024, on a contract basis.

18 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

19 Section 1. Section 16-24C-3 of the Code of Alabama
20 1975, is amended to read as follows:

21 "§16-24C-3

22 For purposes of this ~~chapter~~ article, the following
23 terms shall have the following meanings:

24 (1) CHIEF EXECUTIVE OFFICER. The chief administrative
25 and executive officer of an entity, institution, agency, or
26 political subdivision of the state that is subject to this
27 ~~chapter~~ article and includes, without limitation,
28 superintendents of city or county boards of education and



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29 presidents of two-year educational institutions operated under
30 authority and control of the ~~Department of Postsecondary~~
31 ~~Education~~ Board of Trustees of the Alabama Community College
32 System. The term includes ~~persons~~ individuals serving in such
33 a capacity on an acting or interim basis under lawful
34 appointment or by operation of law.

35 (2) CLASSIFIED EMPLOYEE. All adult bus drivers, all
36 full-time lunchroom or cafeteria workers, janitors,
37 custodians, maintenance personnel, secretaries and clerical
38 assistants, instructional aides or assistants, whether or not
39 certificated, non-certificated supervisors, and, except as
40 hereinafter provided, all other ~~persons~~ individuals who are
41 not teachers as defined herein who are full-time employees of
42 a city or county board of education, two-year educational
43 institutions operated under the authority and control of the
44 ~~Department of Postsecondary Education~~ Board of Trustees of the
45 Alabama Community College System, the Alabama Institute for
46 Deaf and Blind, including production workers at the Alabama
47 Industries for the Blind, and educational and correctional
48 institutions under the control of the Department of Youth
49 Services. The term does not include the employer's chief
50 executive officer, vice president, ~~or~~ chief school financial
51 officer, or assistant administrative officer as defined in
52 Section 16-24B-51. Full-time employees include adult bus
53 drivers and other employees whose duties require 20 or more
54 hours in each normal working week of the school term,
55 excluding holidays that are recognized by the employer.
56 Employees who are eligible for coverage under the state Merit



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57 System are not covered by this ~~chapter~~ article. A probationary
58 classified employee is a classified employee who has not
59 attained nonprobationary status.

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

64 (4) EMPLOYER. The entity, institution, agency, or
65 political subdivision of the state by which an employee who is
66 subject to this ~~chapter~~ article is employed. Employers subject
67 to this ~~chapter~~ article include all city and county boards of
68 education, all educational and correctional institutions under
69 the control of the Department of Youth Services, the Alabama
70 Institute for Deaf and Blind, and two-year educational
71 institutions operated under the authority and control of the
72 ~~Department of Postsecondary Education~~ Board of Trustees of the
73 Alabama Community College System. Each two-year institution
74 operated under the authority and control of the ~~Department of~~
75 ~~Postsecondary Education~~ Board of Trustees of the Alabama
76 Community College System is a separate employer for purposes
77 of this ~~chapter~~ article.

78 (5) GOVERNING BOARD. The body of elected or appointed
79 officials that is granted authority by law, ~~regulation~~ rule,
80 or policy to make employment decisions on behalf of the
81 employer. If final decision-making authority with respect to
82 employment decisions is conferred by law, ~~regulation~~ rule, or
83 duly adopted policy on an official, administrator, or
84 organizational unit other than a separate governing board, the



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85 decision or action of ~~such~~ the official, administrator, or
86 organizational unit, including the president of a two-year
87 educational institution operated under the authority and
88 control of the ~~Department of Postsecondary Education~~ Board of
89 Trustees of the Alabama Community College System, is that of
90 the governing board for purposes of this ~~chapter~~ article, and
91 no additional approval of ~~such~~ the decision or action shall be
92 required. Under ~~such~~ these circumstances, the official,
93 administrator, president, or organizational unit shall assume
94 and exercise the duties of the governing board established by
95 this ~~chapter~~ article. For purposes of this ~~chapter~~ article,
96 the State Board of Education shall not be deemed to be or
97 authorized to function as the employer or the governing board
98 of any employer covered by this ~~chapter~~ article.

99 (6) PROBATIONARY TEACHER. A teacher who has not
100 attained tenure.

101 ~~(6)~~ (7) PROFESSIONAL EDUCATOR'S CERTIFICATE. A
102 certificate or license, by whatever name, designation, or
103 subclassification known or identified, issued by the State
104 Department of Education, or recognized under an approved
105 interstate reciprocity program, and that must be maintained by
106 the employee in order to be employed as a teacher in the
107 county and city schools of this state. A professional
108 educator's certificate does not include provisional,
109 alternative, or emergency certificates, or certificates or
110 licenses that are issued to instructional aides or assistants,
111 to substitute teachers, or to business, technical,
112 operational, or other employees whose job duties do not



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113 require or entail the instruction of students or the regular
114 supervision of or interaction with employees with such job
115 duties.

116 ~~(7)~~(8) SCHOOL YEAR. The period beginning with the first
117 day of the annual school term and ending with the last day of
118 the annual school term on which classroom instructors are
119 required to report for duty, as established by the governing
120 board. For a two-year educational institution, the school year
121 shall be deemed to begin on the first day of the fall academic
122 semester and continuing through the final day of the spring
123 academic semester, but shall not include the summer academic
124 semester.

125 ~~(8)~~(9) TEACHER.

126 a. All employees of entities that are covered by this
127 ~~chapter~~ article who are required by law, ~~regulation~~ rule, or
128 employer policy to maintain a professional educator's
129 certificate issued by the State Department of Education and
130 who are employed by a city or county board of education, the
131 Alabama Institute for Deaf and Blind, or educational and
132 correctional institutions under the control of the Department
133 of Youth Services. The term also includes instructors employed
134 by two-year educational institutions operated under the
135 authority and control of the ~~Department of Postsecondary~~
136 ~~Education~~ Board of Trustees of the Alabama Community College
137 System and principals who had attained tenure under prior law,
138 but who have not elected to become contract principals under
139 subsection (h) of Section 16-24B-3.

140 b. The term does not include ~~an~~ any of the following:



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141 1. An employer's chief executive officer, chief school
142 financial officer, or a principal who is employed as or who
143 has elected to become a contract principal under subsection
144 (h) of Section 16-24B-3, whether or not certification is
145 required for those positions by law or policy, and does not
146 include the.

147 2. An assistant administrative officer who is employed
148 as or who has elected to become a contract assistant
149 administrative officer under subsection (h) of Section
150 16-24B-52, whether or not certification is required for those
151 positions by law or policy.

152 3. Executive and administrative management, including
153 the president~~or~~, vice president, deans, executive directors,
154 directors, deputies, or chiefs of a public two-year
155 educational institution of higher education operated under the
156 authority and control of the Department of Postsecondary
157 Education Board of Trustees of the Alabama Community College
158 System. A probationary teacher is a teacher who has not
159 attained tenure."

160 Section 2. The Teacher Accountability Act, Chapter 24B
161 of Title 16, consisting of Sections 16-24B-1 through 16-24B-8,
162 Code of Alabama 1975, is designated as Article 1, Chapter 24B,
163 Title 16, Code of Alabama 1975. Article 2, is added to Chapter
164 24B of Title 16, Code of Alabama 1975, to read as follows:

165 Article 2. Assistant Administrator Accountability Act.
166 §16-24B-50. Short title.

167 This article shall be known and may be cited as the
168 Assistant Administrator Accountability Act.



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169 §16-24B-51. Definitions.

170 As used in this article, the following terms have the
171 following meanings:

172 (1) ASSISTANT ADMINISTRATIVE OFFICER. Includes only
173 those individuals hired before July 1, 2024, and certified for
174 their position as prescribed by the State Board of Education
175 and who are employed by an employing board as an assistant
176 superintendent, assistant chief school finance officer, or
177 assistant principal of a school system or school, including a
178 vocational center.

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

181 (3) CONTRACT ASSISTANT ADMINISTRATIVE OFFICER. Includes
182 only those individuals hired on or after July 1, 2024, and
183 certified for their position as prescribed by the State Board
184 of Education and who are employed by a participating employing
185 board as an assistant superintendent, assistant chief school
186 finance officer, or assistant principal of a school system or
187 school, including a vocational center, pursuant to this
188 article.

189 (4) CONTRACT YEAR. The same as defined in Section
190 16-24B-2.

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

192 (6) EMPLOYING BOARD. The same as defined in Section
193 16-24B-2.

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

195 (8) PARTICIPATING EMPLOYING BOARD. An employing board
196 that elects to employ assistant administrative officers



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197 pursuant to contracts as provided by this article.

198 (9) PROBATIONARY ASSISTANT ADMINISTRATIVE OFFICER. Any
199 assistant superintendent, assistant chief school finance
200 officer, or assistant principal hired for the first time in
201 any local school system or school as an assistant
202 superintendent, assistant chief school finance officer, or
203 assistant principal on or after July 1, 2024.

204 §16-24B-52. Assistant administrative officers;
205 probationary and contract assistant administrative officers.

206 (a) Any other provision of law to the contrary
207 notwithstanding, any individual employed as an assistant
208 administrative officer in the public schools in Alabama on or
209 after July 1, 2024, at the election of a participating
210 employing board and upon the recommendation of the chief
211 executive officer, may be employed as a probationary assistant
212 administrative officer for up to one full contract year;
213 provided, however, that if the individual is being employed as
214 an assistant administrative officer for the first time, the
215 probationary period may be for up to two full contract years.
216 After completion of the probationary period, the same
217 participating employing board, upon the recommendation of the
218 chief executive officer, shall either offer the probationary
219 assistant administrative officer not less than a three-year
220 contract pursuant to this section or terminate the
221 probationary assistant administrative officer for any reason,
222 or without a stated reason, as the case may be. In the case of
223 a probationary assistant administrative officer who is
224 terminated prior to the end of the school year, the



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225 probationary assistant administrative officer shall be
226 entitled to the hearing process as described in this section.
227 Any contract assistant administrative officer hired on or
228 after July 1, 2024, to work in the capacity of a contract
229 assistant administrative officer in a public school in the
230 state shall be properly certified and shall be employed
231 pursuant to a written contract for an initial period of not
232 less than three years. The initial contract of not less than
233 three years may only be canceled for cause as described in
234 subdivision (e) (1). If the contract is canceled for cause
235 related to failure to perform duties in a satisfactory manner,
236 as evidenced by an unsatisfactory evaluation, the chief
237 executive officer and the participating employing board shall
238 be subject to the review provisions described in subsection
239 (j).

240 (b) Subject to the procedures described in subsection
241 (c), in the case of a contract assistant administrative
242 officer after the probationary term of the contract, the
243 contract shall be renewed for a period not less than three
244 years, and shall contain a provision for cancellation during
245 the term of the contract only for just cause, described in
246 subdivision (e) (1).

247 (c) Notwithstanding whether the contract is the initial
248 contract or otherwise, should the chief executive officer make
249 a recommendation to the participating employing board followed
250 by a majority vote of the board not to offer a new, renewed,
251 or extended contract to the contract assistant administrative
252 officer, the vote of the participating employing board shall



253 be made at least 90 days before the end of the existing
254 contract. The recommendation shall contain written notice of
255 the decision of the chief executive officer and the reasons
256 for the decision to nonrenew the contract. Notice shall be
257 provided to the contract assistant administrative officer
258 either by personal service or by certified mail, return
259 receipt requested, mailed to the last known address of the
260 contract assistant administrative officer. The decision of the
261 chief executive officer and the participating employing board
262 may be based on any reason except personal or political
263 reasons.

264 (d) Nothing in this section or article shall be
265 construed to confer continuing service status or
266 nonprobationary status on any contract or probationary
267 assistant administrative officer.

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

- 271 a. Immorality.
- 272 b. Insubordination.
- 273 c. Neglect of duty.
- 274 d. Conviction of a felony or a crime involving moral
275 turpitude.
- 276 e. Failure to fulfill the duties and responsibilities
277 imposed upon an assistant administrative officer by law.
- 278 f. Willful failure to comply with policy of the
279 participating employing board.
- 280 g. A justifiable decrease in the number of positions



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281 due to decreased enrollment or decreased funding.

282 h. Failure to maintain his or her certificate in a
283 current status.

284 i. Incompetency.

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

286 k. Other good and just cause.

287 (2) Within five days of the action of the participating
288 employing board of canceling or nonrenewing the contract of a
289 contract assistant administrative officer, the participating
290 employing board shall provide written notice pursuant to
291 subsection (c) to the contract assistant administrative
292 officer with a statement of the reasons upon which the action
293 was taken.

294 a. Within 20 working days after the date of receipt of
295 notice provided to a contract assistant administrative officer
296 informing him or her of an action by the participating
297 employing board to nonrenew the assistant administrative
298 officer's contract at the end of the current term of the
299 contract, the contract assistant administrative officer, by
300 filing written notice with the chief executive officer, may
301 request a nonjury, expedited evidentiary hearing to
302 demonstrate that the chief executive officer's or supervisor's
303 recommendation to nonrenew the contract was impermissibly
304 based upon a personal or political reason, or the
305 recommendation was approved based upon personal or political
306 reasons of the chief executive officer, supervisor, or the
307 participating employing board, which shall be the sole issues
308 at the hearing. The contract assistant administrative officer



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309 shall bear the burden of proof by a preponderance of the
310 evidence. The hearing shall be held before the circuit court
311 in the judicial circuit of the county in which the
312 participating employing board sits. The expedited evidentiary
313 hearing shall be binding on all parties. Promptly after
314 delivering a written request for a hearing, the contract
315 assistant administrative officer, or his or her designee,
316 shall file with the appropriate circuit court a request for an
317 expedited hearing and shall provide a copy of the request to
318 the applicable chief executive officer.

319 b. In the case of a contract assistant administrative
320 officer who is recommended for cancellation for cause pursuant
321 to subdivision (1), within 20 working days after the date of
322 receipt by the contract assistant administrative officer of
323 the notice informing him or her of an action by the
324 participating employing board to cancel the assistant
325 administrative officer's contract for cause as provided in
326 subdivision (1), the contract assistant administrative
327 officer, by filing written notice with the chief executive
328 officer, may request a nonjury, expedited evidentiary hearing
329 before the circuit court in the county in which the
330 participating employing board sits. The chief executive
331 officer shall provide notice to the circuit court promptly
332 after receiving notice, that the participating employing board
333 requests the nonjury, expedited evidentiary hearing. At the
334 hearing the participating employing board shall bear the
335 burden to prove, by a preponderance of the evidence, that the
336 cancellation is solely for cause pursuant to subdivision (1).



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337 (3) All contract assistant administrative officers
338 shall be entitled to an expedited evidentiary hearing process,
339 which shall occur within 45 days after the chief executive
340 officer's or the contract assistant administrative officer's
341 request, as the case may be, for an expedited hearing pursuant
342 to subdivision (2). If the circuit court determines that it is
343 not able to complete the expedited evidentiary hearing within
344 the 45-day period, the court shall refer the parties to a
345 mediator to conduct the expedited evidentiary hearing within
346 45 days after the chief executive officer's or the contract
347 assistant administrative officer's request for the expedited
348 hearing. The written decision of the mediator shall be binding
349 on the parties.

350 (4) The contract assistant administrative officer may
351 request reinstatement at the expedited evidentiary hearing. If
352 such an action is initiated by the contract assistant
353 administrative officer, the pay and benefits of the contract
354 assistant administrative officer shall be discontinued only
355 upon a final order denying reinstatement by the circuit court
356 or the mediator.

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

362 (2) At the end of the term of the probationary
363 contract, or any subsequent contract, absent a written
364 recommendation by the chief executive officer for cancellation



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365 or nonrenewal and an acceptance of that recommendation by a
366 majority vote of the participating employing board, the
367 participating employing board shall enter into a new contract
368 with the contract assistant administrative officer for a
369 period of not less than three years.

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

375 (h) (1) Any assistant administrative officer hired
376 before July 1, 2024, who has not obtained continuing service
377 status with an employing board under prior law and any
378 assistant administrative officer who attained continuing
379 service status under prior law before July 1, 2024, may
380 voluntarily and irrevocably relinquish his or her continuing
381 service status as an assistant administrative officer and
382 elect to be employed by contract.

383 (2) The relinquishment of continuing service status and
384 election to serve under contract shall be made in writing to
385 the participating employing board at least 30 days before the
386 start of the immediately succeeding scholastic year to be
387 effective in that scholastic year, and thereafter.

388 (i) (1) The chief executive officer, or his or her
389 designee, shall at least annually evaluate the performance of
390 each contract assistant administrative officer. The evaluation
391 shall be performed in a manner prescribed by the State Board
392 of Education.

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393 (2) The participating employing board, upon the written
394 recommendation of the chief executive officer, may at any time
395 enter into a new contract of not less than three years with
396 the contract assistant administrative officer. In the event of
397 an unsatisfactory but remediable performance on the evaluation
398 as prescribed by the State Board of Education, a conference
399 shall be held with the contract assistant administrative
400 officer and a specific plan of professional development shall
401 be presented by the chief executive officer, which specifies
402 the area or areas of unsatisfactory performance and recommends
403 a plan to correct the unsatisfactory performance. The contract
404 assistant administrative officer shall complete the specific
405 plan of professional development prior to the next evaluation.
406 In the event of an evaluation indicating unsatisfactory
407 performance as prescribed by the State Board of Education, the
408 chief executive officer shall either recommend to the
409 participating employing board cancellation of the contract for
410 cause as outlined in subdivision (e)(1) or a conference shall
411 be held with the contract assistant administrative officer and
412 a specific plan of professional development shall be presented
413 by the chief executive officer, which specifies the area of
414 unsatisfactory performance and recommends a plan to correct
415 the unsatisfactory performance. The contract assistant
416 administrative officer shall complete the specific plan of
417 professional development prior to the next evaluation.

418 (j)(1) Within 15 days after an unsatisfactory
419 evaluation as prescribed by the State Board of Education and
420 upon receipt of a recommendation by the chief executive



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421 officer for cancellation of the contract for cause as outlined
422 in subdivision (e)(1), a contract assistant administrative
423 officer, in writing to the chief executive officer, may
424 request a review of the evaluation.

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

429 a. Within five days after the request for a review of
430 the evaluation, the chief executive officer or designee shall
431 request a list of five individuals who are certified to
432 evaluate contract assistant administrative officers from the
433 State Department of Education.

434 b. From the list described in paragraph a., the chief
435 executive officer and the contract assistant administrative
436 officer shall each strike two names.

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

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

442 (4)a. If the result of the review of the evaluation
443 overturns the unsatisfactory evaluation, then the contract of
444 the contract assistant administrative officer shall be
445 continued for the remainder of the term of the contract
446 subject to subdivision (e)(1).

447 b. If the result of the review of the evaluation
448 upholds the unsatisfactory evaluation, the contract assistant



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449 administrative officer shall be informed of the reasons for
450 the upholding of the unsatisfactory evaluation and the
451 contract of the contract assistant administrative officer
452 shall be canceled.

453 (k) Except as provided in subsection (h), the contract
454 of an assistant administrative officer holding the position on
455 July 1, 2024, shall not be canceled, nonrenewed, reduced, or
456 changed in compensation or continuing service status, or time
457 toward continuing service status, due to the enactment of this
458 article.

459 (1) (1) Any decision not to continue the employment of a
460 probationary assistant administrative officer or contract
461 assistant administrative officer shall be made by a majority
462 vote of the participating employing board upon the written
463 recommendation of the chief executive officer.

464 (2) The decision not to continue the employment of a
465 contract assistant administrative officer shall cancel the
466 employment relationship between the participating employing
467 board and the contract assistant administrative officer
468 effective at the end of the current contract period.

469 (3) Any contract assistant administrative officer who
470 had attained continuing service status in a position other
471 than as an assistant administrative officer with the
472 participating employing board before becoming a contract
473 assistant administrative officer shall retain that previously
474 earned status and be returned to a similar status position
475 within a reasonable time after the cancellation or nonrenewal
476 of his or her contract as an assistant administrative officer



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477 with the participating employing board, provided that the
478 cause for cancellation is not for conviction of a felony or
479 crime involving moral turpitude.

480 (m) (1) Commencing on July 1, 2024, an employing board
481 may elect to employ assistant administrative officers pursuant
482 to this article on a contract basis in lieu of the tenure
483 process provided in Chapter 24C, the Students First Act of
484 2011. After an election is made, the participating employing
485 board may not revert back to the tenure process without the
486 passage of a local legislative act.

487 (2) Upon passage of a local legislative act mandating
488 reversion, the terms and conditions of any contract executed
489 pursuant to this article shall be fulfilled and any contract
490 assistant administrative officer who had previously attained
491 continuing service status with the employing board under the
492 Students First Act of 2011, before becoming a contract
493 assistant administrative officer, shall revert back to his or
494 her previously earned status and be returned to a similar
495 status position.

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

500 (o) The chief executive officer shall make a timely
501 written recommendation to the participating employing board
502 regarding the continued employment of a probationary assistant
503 administrative officer at the end of his or her probationary
504 period and the continued employment of a contract assistant



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505 administrative officer at the end of his or her contract.
506 Failure of the chief executive officer to make a
507 recommendation shall not in any way prejudice the probationary
508 assistant administrative officer or contract assistant
509 administrative officer.

510 §16-24B-53. Assistant administrative officers;
511 cancellation of contract.

512 (a) Notwithstanding any other provision of this
513 article, the employment contract of an assistant
514 administrative officer or contract assistant administrative
515 officer, whose certificate is revoked by the State
516 Superintendent of Education pursuant to Section 16-23-5(b),
517 shall be immediately canceled.

518 (b) If the conviction resulting in the revocation of
519 the certificate pursuant to Section 16-23-5(b) is overturned
520 on appeal, the State Superintendent of Education, upon receipt
521 of notice of the reversal shall immediately reinstate the
522 certificate of the assistant administrative officer or
523 contract assistant administrative officer, and the employing
524 board or participating employing board, at its discretion,
525 shall place the assistant administrative officer or contract
526 assistant administrative officer in a position commensurate
527 with the employee's licensure from the State Department of
528 Education or on paid administrative leave. Regardless of
529 whether the certificate of the assistant administrative
530 officer or contract assistant administrative officer is
531 reinstated or a new employment contract is entered into, the
532 assistant administrative officer or contract assistant



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533 administrative officer, within 45 days, shall be reimbursed
534 for any back pay, plus benefits, from the date of
535 cancellation, up to and including the date his or her
536 conviction is overturned.

537 (c) Nothing in this section shall be construed to
538 preclude the State Superintendent of Education or the
539 employing board or participating employing board from pursuing
540 other legal action against the assistant administrative
541 officer or contract assistant administrative officer based
542 upon the underlying circumstances of the conviction.

543 §16-24B-54. Assistant administrative officers; duties.

544 (a) Subject to the authority of the chief executive
545 officer and the employing board or participating employing
546 board, an assistant administrative officer and contract
547 assistant administrative officer shall assist his or her
548 supervisor with the supervision of the daily operation and
549 management of personnel, finances, facilities, and other
550 matters of the school or campus for which the assistant
551 administrative officer or contract assistant administrative
552 officer is responsible. An assistant administrative officer
553 and contract assistant administrative officer shall assist
554 with the administrative responsibility and instructional
555 leadership, as directed by the chief executive officer or his
556 or her supervisor, consistent with the policies of the
557 employing board or participating employing board, for the
558 planning, management, operation, and evaluation of the
559 education program of the school system, department, and each
560 school or campus, or both, under the responsibility of the



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561 assistant administrative officer or contract assistant
562 administrative officer.

563 (b) An assistant administrative officer and contract
564 assistant administrative officer shall observe all rules,
565 policies, and procedures relative to the operation of the
566 public schools as established by applicable law, rule, and
567 standard of both the State Board of Education and the
568 employing board or participating employing board.

569 (c) An assistant administrative officer and contract
570 assistant administrative officer shall perform all other
571 duties assigned by the chief executive officer, consistent
572 with the policies of the employing board or participating
573 employing board and the law.

574 (d) An assistant administrative officer and contract
575 assistant administrative officer, if asked by his or her
576 supervisor, shall make written advisory recommendations to the
577 chief executive officer or his or her supervisor, or both,
578 regarding the appointment, assignment, promotion, transfer,
579 and cancellation of the contracts of all personnel assigned to
580 the school system, department, and any school or campus under
581 his or her responsibility. Advisory recommendations are not
582 binding upon the chief executive officer or the supervisor of
583 the assistant administrative officer or the contract assistant
584 administrative officer, and the chief executive officer shall
585 have final authority for all personnel assignments within the
586 applicable school system.

587 §16-24B-55. Appeals.

588 (a) All appeals of a final decision from the expedited

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589 evidentiary hearing shall lie with the Alabama Court of Civil
590 Appeals. An appeal shall be filed within 14 days after the
591 receipt of the final written decision of the circuit judge or
592 the mediator. An appeal by either party shall be perfected by
593 filing a written notice of appeal with the clerk of the Court
594 of Civil Appeals within 14 days after the receipt of the final
595 written decision of the circuit judge or the mediator by the
596 party. Failure to file a timely notice of appeal shall render
597 the decision of the circuit judge or the mediator final.
598 Within 28 days after an appeal is filed, the chief executive
599 officer shall transmit the record to the clerk. Failure of the
600 chief executive officer to timely transmit a full and accurate
601 record to the clerk shall result in a favorable decision being
602 entered by the court for the contract assistant administrative
603 officer.

604 (b) The decision of the circuit judge or the mediator
605 shall be affirmed on appeal unless the Court of Civil Appeals
606 finds the decision to be against the great weight of the
607 evidence.

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

612 §16-24B-56. Preliminary certificate; breach of
613 assistant administrative officer employment contract.

614 (a) An individual who has not completed a teacher
615 education program in Principal or Educational Administrator
616 may be eligible for a preliminary certificate, which could



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617 lead to full certification by the State Department of
618 Education under rules approved by the State Board of
619 Education.

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

623 §16-24B-57. Opposition to employment action.

624 It shall be unlawful for an employing board or
625 participating employing board to cancel or reduce the contract
626 of a teacher, assistant administrative officer, or contract
627 assistant administrative officer or to transfer, reprimand, or
628 discipline a teacher because the teacher opposed any
629 employment action under this article or this title.

630 Section 3. Any provision of the Students First Act of
631 2011 to the contrary notwithstanding, any executive and
632 administrative management personnel hired on or after July 1,
633 2024, including a president, vice president, dean, executive
634 director, director, deputy, or chief by a public two-year
635 institution of higher education under the authority and
636 control of the Board of Trustees of the Alabama Community
637 College System shall be employed on a contract basis as
638 provided by rule of the board.

639 Section 4. This act shall become effective on July 1,
640 2024.



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President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB33

Senate 19-Mar-24

I hereby certify that the within Act originated in and passed the Senate, as amended.

Patrick Harris,
Secretary.

House of Representatives
Amended and passed: 08-May-24

Senate concurred in House amendment 09-May-24

By: Senator Elliott