Each Probate Judge, Sheriff, District Court Clerk, the Clerk and Register of the Circuit Court, County Commission Chairman and Municipal Clerk is required by law to preserve this slip or pamphlet in a book kept in his office until the Act is published in permanent form.

ALABAMA LAW

(Regular Session, 1984)

Act No. 84-622

H. 670—Reps. Browder, Drake, Brakefield, Turnham, Grouby, Crow, Smith, Butler, Campbell, Martin, Richardson, Flowers, Preuitt, White (G), Beers, Bachus, Bowling, Blake, Kennedy, Davis, Mathis, Tanner, Parker, Junkins, Holley, Clark (D), Mitchell, Newman, Nicholson, Clark (J), Ford, Coleman, Bugg, Johnson (R.G.), Lauderdale, Biddle, Trammel, Johnson (Roy), Lindsey, Clark (W), Zoghby, Bryant, White (L), Blakeney, Poole, Starkey, Goodwin, Hettinger, Albright, Harvey, McDowell, Pratt, Spratt, Gray, Carothers, Perdue, Burke, Thomas, Melton, Grimsley, Warren, Onderdonk

AN ACT

Relating to educational reform; providing for a comprehensive plan for improving instruction in science, mathematics, computer education and other designated critical areas; providing for a scholarship loan program to attract able students into the teaching profession in subjects of mathematics, science, computer education and other critical areas; providing a program for certified teachers to add to their certificate mathematics, science, computer education and other critical areas; providing a program whereby provisionally certified persons with extensive preparation in mathematics, science and computer education may serve as an emergency source of teachers; providing rigorous in-service training for public school personnel; amending Sections 16-23-18, 16-23-20, 16-23-21 and 16-23-23, Code of Alabama 1975, and repealing Section 16-23-19, Code of Alabama 1975, all relating to emergency secondary education scholarships, so as to transfer authority for the administration of the scholarships from the state board of education to the Alabama commission on higher education; creating and providing for the governor's educational reform commission; and providing for appropriations to carry out the provisions of this act.
Be It Enacted by the Legislature of Alabama:

**Section 1.** This act shall be known and may be cited as the Educational Reform Act of 1984.

**Section 2.** For purposes of this act, the following terms shall have the respective meanings ascribed to them by this section:

1. **A.C.H.E.** The Alabama commission on higher education.
2. **BOARD OR BOARD OF EDUCATION.** The state board of education.
3. **COMMISSION.** The governor’s educational reform commission created by this act.
4. **CRITICAL NEEDS AREAS.** Those curriculum and teaching areas where there is an urgent need for action. These areas include mathematics, science, computer education and other areas to be identified from time to time by the state board of education.
5. **IN-SERVICE EDUCATION.** The training of regularly certified education professionals who hold positions in the public schools of the state.
6. **LOCAL EDUCATIONAL AGENCIES.** County and city boards of education and the school systems over which these boards of education have authority.
7. **PLAN FOR EXCELLENCE.** A Plan for Excellence; Alabama’s Public Schools, a report to the Alabama State Board of Education, Governor George C. Wallace, President and to the Legislature and People of Alabama dated January 12, 1984.
8. **SUPERINTENDENT.** The Alabama state superintendent of education.
9. **PUBLIC EDUCATION.** For purposes of this act, public education means kindergarten through the twelfth grade.

**Section 3.** The legislature finds that a true need exists within the state for improving education. In furtherance of this goal, a “plan for excellence” and other reform reports have been submitted to the legislature and the governor, including therein numerous recommendations that we strongly endorse. It is the intent of the legislature to promote and support the governor’s recommended program for improving education. It is further the intent of the legislature that the elements of the governor’s program be implemented and that every effort be made to utilize appropriations provided herein and otherwise recommended for each of these areas. It shall be incumbent upon and the responsibility of each board of education, superintendent, principal and teacher to help provide the implementation of the program.
Section 4. The governor's program for improving education shall be implemented subject to sufficient appropriations as provided for herein or as provided for in any other appropriation legislation for public education in the state. Such program shall include, but not be limited to, the following:

(1) Establishment of the governor's educational reform commission;

(2) Development of a comprehensive plan for improving courses in critical needs areas;

(3) Authorization for an emergency source of teachers in critical needs areas;

(4) Provision for a scholarship loan program for undergraduate students enrolled in critical needs areas;

(5) Establishment of a tuition grant program for presently certified teachers to add critical needs areas;

(6) Development of regional in-service education centers for teachers in critical needs areas;

(7) Increase in teacher salaries;

(8) Full statewide kindergarten program;

(9) Replacement of school buses;

(10) Library enhancement;

(11) Burned-out schools program.

Section 5. (a) There is hereby created the governor's educational reform commission. Such commission shall be composed of the governor, the state superintendent of education, the president of the Alabama parent-teacher association, the executive director of the Alabama education association, the executive director of the Alabama association of school boards, the executive director of the Alabama commission on higher education, the president of the Alabama education association, the executive director of the Alabama council of school administrators and supervisors, the chancellor of post-secondary education, one member who shall be a business person appointed by the governor upon the recommendation of the Alabama association of school boards, one member of the senate appointed by the governor, and three black members appointed by the governor as hereinafter provided. Within 90 days after the passage of this act, the governor shall appoint the aforementioned three members to the commission. Members by virtue of their position shall serve on the commission as long as they serve in their respective position. Members appointed by the governor shall serve at the
pleasure of the governor. Vacancies shall be filled in the same manner as the original appointments were made.

(b) To fund the duties and responsibilities enumerated in this act for said commission, there is hereby appropriated to the governor's educational reform commission from the Alabama special educational trust fund the sum of $100,000 for the fiscal year ending September 30, 1985.

Section 6. (a) The governor shall designate one member of the commission as the chairperson. Such chairperson shall call the meetings of the commission.

(b) The commission may hold such meetings as it may deem necessary. The commission shall adopt rules for its organization in the conduct of its business. A majority of the members of the commission shall constitute a quorum at all its meetings.

(c) Members of the commission shall receive the per diem and travel expenses allowed by law for state officers and employees while engaged in the performance of their duties.

(d) The commission is authorized to employ such staff as are necessary to assist the commission in performing the duties required by this act. The number of employees, their compensation and the other expenditures of the commission shall be within the limits and in compliance with the appropriation made therefor by the legislature and within budgets that shall be approved from time to time by the commission.

Section 7. The commission may study all levels of public education and shall monitor the incorporation of educational reform legislation into existing school programs. It shall also serve in an advisory capacity to the governor and the legislature in respect to all existing and future reform legislation and means of funding such programs. One year after the effective date of this act, and each year thereafter, the commission shall make an annual report to the governor and to the legislature; however, upon the request of either the governor or legislature, reports may be made at any time. The commission shall be dissolved at the end of three years unless otherwise continued by resolution of the legislature.

It is the express intent of the legislature that the commission not duplicate any responsibilities of the state board of education.

Section 8. In addition but not limited to the powers and duties otherwise specified in this act, the commission shall have the following duties:

(a) To study and make recommendations to the governor and
the legislature concerning mechanisms for increasing financial support of public education;

(b) To study and make recommendations to the governor and the legislature concerning the state funding formula, including consideration of incentive plans to increase local support;

(c) To study and make recommendations to the governor and legislature concerning capital outlay needs of public education in the state;

(d) To study and make recommendations to the governor and legislature concerning the development of summer camp programs for public school students;

(e) To study and present recommendations to the governor and legislature concerning mathematics, science, and other critical needs areas;

(f) To study and make recommendations to the governor and the legislature concerning the development of a statewide system of teaching excellence awards;

(g) To study and make recommendations to the governor and the legislature concerning the development of a statewide performance evaluation system for professional educators;

(h) To study and make recommendations to the governor and the legislature concerning the Alabama tenure laws for education professionals in the public schools in this state;

(i) To study and make recommendations to the governor and legislature concerning regional in-service education centers in existing institutions of higher education; and

(j) To study and make recommendations to the governor and legislature concerning the development of a career ladder and merit pay plan for all regularly certified education professionals in the public schools of this state. The commission shall recommend its program no later than the fifth legislative day of the 1985 Regular Session.

Section 9. (a) The state board of education shall develop and establish a comprehensive plan for improving courses in science, mathematics, computer education and other critical needs areas. In developing such plan, the superintendent shall consult with teacher organizations, school personnel, legislative leaders, the governor's office, representatives from private industry, public and private higher education and from the fields of education, mathematics, science and computer education. Such program shall be divided into three phases with the first phase being introduced at the beginning of the 1985-1986 school year and another phase to begin each of the follow-
ing two years. The entire program should be operative at the end of three years.

(b) The comprehensive plan shall provide a framework for the preparation and approval of programs, provide direction for program development and shall include the following provisions:

(1) Identification of curricular goals and expected outcomes;
(2) Preparation of instructional materials lists;
(3) Development of descriptions and cost estimates for providing curricular development, laboratories, equipment, supplies and facilities to implement programs for improvement in school systems or individual schools;
(4) Development of recommended course content to satisfy the new requirements for high school graduation. Consideration shall be given to student goals and needs;
(5) Development of a plan for continuous monitoring and evaluation of the programs, including classroom instructional needs as identified by teachers; and
(6) Solicitation of proposals and funding those programs that meet high standards of excellence.

Section 10. (a) Local school boards are hereby authorized, pursuant to rules and regulations established by the state board of education, to employ provisionally certified persons from business, industry or other areas or military retirees who have extensive preparation in mathematics, science, computer education and other critical needs areas for a period not to exceed one year with a limit of three years total employment. Such persons may be employed provided:

(1) They have at least a bachelor’s degree in the subject they are assigned to teach;
(2) There are no regularly certified teachers available to teach the course to be taught by these persons; and
(3) They are evaluated regularly and offered proper guidance by their supervisors.

(b) The time served as a provisionally certified teacher under this section shall not count toward time earned for tenure.

(c) The employment of provisionally certified teachers under this section shall serve to supply an emergency source of teachers in critical needs areas and shall not be considered a permanent means of acquiring teachers in any area.

Section 11. There is hereby established a program for schol-
arship loans to provide for the education of qualified undergraduate students who are enrolled in teacher education programs in the fields of mathematics, science, computer education and other projected critical needs areas at institutions where the teacher education programs have been approved by the state board of education. For the first year of the scholarship loan program, at least 80 percent of the funds awarded for such loans shall be awarded in the areas of mathematics, science and computer education. Remaining funds shall be available for teacher shortages in other critical areas. The state board of education shall designate the critical areas other than mathematics, science and computer education when they exist. The responsibility and authority for administering the scholarship loan program shall be vested in the Alabama commission on higher education effective October 1, 1984.

Section 12. To be eligible for a scholarship loan, an applicant shall:

(1) Be a full-time undergraduate student at the upper division level in a teacher education program approved by the board;

(2) Have entered into an agreement with the Alabama commission on higher education to teach in the public schools of Alabama for two years following completion of the teacher education requirements; and

(3) Have a record of high performance in the area of certification.

(4) Not be the recipient of proceeds available to resident students through the Alabama student grant program.

Section 13. (a) Each scholarship loan shall be in an amount not to exceed $4,000 per annum and shall be for not more than two years.

(b) Any scholarship loan extended under this act may be repaid to the Alabama commission on higher education in cash in full with interest from the date of completion of the teacher education program of studies at the prevailing rate charged recipients of non-need-based federal guaranteed student loans. Repayments in full must be completed within ten years of the completion of the program of studies.

(c) The scholarship loan or any part thereof may be repaid by service in the teaching of mathematics, science, computer education and other projected critical areas, as determined by the state board of education. Payment credit for one year of a scholarship loan shall be granted for each three school years of teaching in the public schools of the state.
(d) Any scholarship loan recipient who fails to complete a program of study or who fails to teach in a public school of the state as required by this act shall repay all loan amounts immediately with interest calculated from the date of his withdrawal or removal at the prevailing rate charged recipients of non-need-based federal guaranteed student loans.

(e) Each recipient of a scholarship loan under the provisions of this act shall enter into an agreement with the Alabama commission on higher education whereby he agrees to teach mathematics, science, computer education or other critical subject areas as determined by the state board of education in the public schools of the state. Any breach of contract on the part of the recipient makes him immediately liable for the unpaid balance of his loan. The executive director of the Alabama commission on higher education shall require Alabama institutions of higher education to withhold the release of any records of a recipient who fails to satisfy his agreement with the Alabama commission on higher education. The attorney general or any district attorney, upon the request of the Alabama commission on higher education, shall institute proceedings in the name of the state for the purpose of recovering any amount due the state under the provisions of this act. In the event of death or total and permanent disability of the recipient to teach, repayment of the loan may be excused by the Alabama commission on higher education.

Section 14. The Alabama commission on higher education shall have the authority to make reasonable rules and regulations for implementing and carrying out the provisions of this act relating to the scholarship loan program.

Section 15. The Alabama commission on higher education shall implement a tuition grant program for certified teachers. Tuition grants in institutions of higher education for adding mathematics, science, computer education or other critical needs areas to their certificates shall be provided to able teachers certified in subject areas not designated critical needs areas. The Alabama commission on higher education shall adopt rules to implement the mathematics, science, computer education or other critical needs areas tuition reimbursement program. Any full-time regularly certified public school teacher in Alabama shall be eligible for this program. Tuition reimbursement shall be limited to courses in mathematics, science, computer education or other critical areas as determined by the board. Such courses shall be graduate level courses leading to a new certification area or approved undergraduate courses leading to a new certification area. Participants may receive tuition reimbursements not to exceed 36 semester or 54 quarter hours in an approved teacher education program in Alabama; such reimbursement shall
not exceed $4,000 per annum. All reimbursements will be contingent on the participant's maintaining a B average on all work attempted. Teachers participating in the tuition reimbursement program shall be eligible for all summer programs and other programs and incentives open to mathematics, science and computer education teachers. Each tuition reimbursement recipient must sign a letter of commitment to the Alabama commission on higher education agreeing that upon the completion of course work required for certification in a critical needs area, he will teach two full years of secondary mathematics, science, computer education or other critical needs area for each full academic year the grant is received. The executive director of the Alabama commission on higher education shall require Alabama institutions of higher education to withhold the release of any records of a recipient who fails to satisfy his agreement with the Alabama commission on higher education.

Section 16. Sections 16-23-18, 16-23-20, 16-23-21, and 16-23-23, Code of Alabama 1975, are hereby amended to read as follows:

"§ 16-23-18.

"The Alabama commission on higher education shall establish a scholarship program entitled, 'emergency secondary education scholarships.' The scholarship fund shall be annually appropriated from the Alabama special educational trust fund. The Alabama commission on higher education shall be responsible for determining the number of scholarships to be awarded and the amount designated for each scholarship recipient.

"§ 16-23-20.

"The executive director of the Alabama commission on higher education shall recommend scholarship selection criteria and applicant screening procedures for approval by the Alabama commission on higher education. The office of the executive director of the Alabama commission on higher education shall serve as the receiving office for scholarship applications. The executive director of the Alabama commission on higher education shall develop an application form and shall have the responsibility for circulating the form to all city and county superintendent offices and offices of the deans and directors of education at Alabama's institutions of higher education. The Alabama commission on higher education, upon recommendation of the executive director, shall approve the annual scholarship recipients.

"§ 16-23-21.

"Each scholarship recipient must sign a letter of commitment to the Alabama commission on higher education agreeing that upon graduation he or she will teach two full years of secondary math-
matics, science or computer education in the public secondary schools of Alabama for every full year or partial year the scholarship is received. The letter of commitment shall be binding upon the recipient. Said letter of commitment shall be considered a legal contract and the Alabama commission on higher education shall pursue necessary legal action to enforce the contract.

"In addition, should scholarship recipients who have completed their teacher training with the assistance of the scholarship program and have been awarded a certificate to teach fail to comply with the conditions of the letter of compliance, the state superintendent of education shall be authorized to revoke the teaching certificate of the recipients.

"§ 16-23-23.

"Upon this section becoming law, the Alabama commission on higher education and its executive director shall be authorized to take all necessary administrative action and promulgate rules and regulations to carry out the intent and purpose of this chapter."

Section 17. There is hereby appropriated from the Alabama special educational trust fund for the fiscal year beginning October 1, 1984, to the Alabama commission on higher education the sum of $1,000,000 to fund the provisions of Sections 11 through 16 of this act. All moneys shall remain in the Alabama special educational trust fund until obligations have been incurred under the provisions of Sections 11 through 16 hereof.

Section 18. (a) A comprehensive plan shall be established by the governor's educational reform commission and implemented for the development and location of in-service education centers for the purpose of providing rigorous in-service training in critical needs areas for the state's public school personnel. These in-service centers shall not replace the plan for in-service education which the state department of education adopted by resolution on June 14, 1978. The in-service centers established pursuant to this act shall be located in existing institutions of higher education located in strategic areas of the state as recommended by the commission and approved by the governor. Institutions of higher education where such in-service centers may be located shall have resident faculty members in education and the academic areas taught in the public schools.

(b) In addition, the commission may contract with individuals or institutions to provide approved in-service training as defined in this section.

(c) A governing board shall be organized for each in-service center. The governing board of each center shall include representatives from the state department of education, teachers and adminis-
trators from the local school systems and the institution of higher education where the center is located. Such governing board shall, in cooperation with the staff of the state department of education, determine policy, programs and hours of operation of the particular in-service center.

(d) The in-service centers provided for in this section shall:

1. Provide a number of days' training each year, usually in the summer, for instructional personnel in critical needs areas;
2. Be open at a specified time during the year for use;
3. Provide specialized help to instructional personnel;
4. Have a director named from the local institution's faculty; and
5. Serve as a data-gathering center for research in areas of public education. Local university, college or community college personnel shall be utilized to conduct the research.

(e) Each local school system shall affiliate with the in-service center in its region and shall participate in the planning of written programs for public school personnel in the area.

(f) All in-service centers shall be fully operative by July 1, 1985.

(g) To carry out the provisions of Section 18 of this act, there is hereby appropriated from the Alabama special educational trust fund the sum of $500,000 for the fiscal year ending September 30, 1985.

Section 19. Local education agencies shall establish with each regularly certified professional a contract of employment which is no less than 185 days in length, subject to sufficient legislative appropriations over and beyond any cost-of-living raise provided by the legislature. No less than five days of the 185 contract days shall be used for in-service and professional development activities.

Section 20. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 21. All laws or parts of laws which conflict with this act are hereby repealed, and Section 16-23-19, Code of Alabama 1975, is hereby specifically repealed.

Section 22. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.
Approved May 31, 1984

Time: 2:15 P.M.

I hereby certify that the foregoing copy of an Act of the Legislature of Alabama has been compared with the enrolled Act and it is a true and correct copy thereof.

Given under my hand this 1st day of June, 1984.

JOHN W. PEMBERTON
Clerk of the House