

### **The Superintendent Candidate will be able to**

1. Identify education as an “other power” under the Tenth Amendment to the United States Constitution.
2. Recognize the federal government as a government of limited power.
3. Discern education as a police power of state government, wherein a sovereign state may make rules for itself regarding health, safety, welfare, and morals.
4. Distinguish situations in which federal applications of law outrank state law, due to the Supremacy Clause.
5. Apply the Obligation of Contract Clause to decisions of local school boards.
6. Appreciate the greater burden of proof arising from policy decisions that might impair constitutional rights.
7. Acknowledge that the common law system of law in the United States authorizes three co-equal branches of government, equally empowered to create law.
8. Perceive the Eleventh Amendment as a means of balancing the power of the federal government against the power of the states.
9. Recall the history of Section 256 of the 1901 Alabama Constitution and the duty placed upon the Alabama Legislature to provide for schooling.
10. Recognize the State Board of Education, the State Superintendent of Education, and the State Department of Education as three state actors created by the Legislature.
11. Know that Attorney General Opinions have the force of law, until overturned by a court of competent jurisdiction, and that they provide immunity for school officials who act as directed or advised by an opinion directed to them.
12. Apprehend state board “policy” as regulatory law, created by an executive branch actor under Alabama’s Administrative Procedures Act.
13. Recall that the State Board of Education has authority to intervene in local school affairs (i.e., “take over” local schools or school districts) for academic reasons, for finance reasons, or for school safety and disciplinary reasons.
14. Remember that the State Superintendent has statutory authority to review the actions and orders of school boards and superintendents in “matters relating to finance and other matters seriously affecting educational interest.”
15. Appreciate that the State Superintendent is granted a strong position of authority over the activities of local schools, compared to state superintendents in other states.
16. Recognize by example situations which violate the state ethics law, which are considered a conflict of interest, or which are considered improper use of official position, as determined by the State Ethics Commission.
17. Comprehend that official action by a local school board recalls a majority vote of the whole board, not just a majority vote of members present.
18. Recall that county boards of education are empowered to appoint a new member, to fill a vacancy for an un-expired term.
19. Discuss situations where employees of school boards may or may not also be members of the school board.
20. Know how many school board meetings must be held minimally each year and what activities must occur at those meetings.

21. Specify generally the procedures for organizing and reorganizing county and city school boards, whether by election or appointment.
22. Identify the procedural steps for policy-making, including written recommendation from the superintendent, consultation with employees' professional organization, and availability within 20 days of passage.
23. Know that county superintendents of education serve as both executive officer and secretary to the county board of education.
24. Distinguish the role of city superintendents of education, who are required to be the executive officer of the city board of education, but may be (permissively) secretary to the city board of education.
25. Understand that the custodian of funds for a county board of education is appointed directly by the county board and works directly for the county board of education.
26. Recognize that the custodian of funds for a city board of education is statutorily the city treasurer; however, the city board of education may permissively appoint another person to serve as its treasurer.
27. Understand that superintendents, custodian of funds, and treasurers must be bonded.
28. Acknowledge the various duties imposed upon school boards by statute. Know that employment of personnel (except the custodian of funds) requires a written recommendation by the superintendent prior to action by the board of education.
29. Remember that the statutory causes of dismissal for school employees (except contract principals and city superintendents) include incompetency, insubordination, neglect of duty, immorality, failure to perform duties in a satisfactory manner, justifiable decrease in the number of teaching positions, or other good and just cause, but that the cause cannot be personal or political.
30. Recall that unused vacation days may be carried forward to the next school year.
31. Apply correctly the "character or good name" provision of the open meetings law.
32. Realize the qualifications for serving as superintendent.
33. Understand criminal sanctions applied for failure to follow certain procedures as a candidate for election as a county superintendent of schools, and procedures for replacing county superintendents who do not complete their terms.
34. Recognize the statutory duties of county and city superintendents, and limitations on outside employment for county superintendents.
35. Identify the implications of proper exercises of discretionary and ministerial functions.
36. Understand the conditions under which school boards may enter into cooperative agreements or other associations.
37. Appreciate the types of tort claims that may be brought against school officials and the school board, and means of mitigating the potential of such claims.

38. Discern the nature of personal liability arising from Section 1983 claims and the means of protecting one's self from such claims.
39. Apply the legal tests for claims of violations of the Establishment and Free Exercise Clause.
40. Distinguish the types of competency shown by certification.
41. Know that certification is required for superintendents, assistant superintendents, supervisors, principals, teachers, and attendance officers.
42. Apprehend that criminal background checks are required for all employees with unsupervised access to children.
43. Perceive the various means of obtaining certification, and the local superintendent's potential role in obtaining certification.
44. Understand the implications of having temporary certification with regard to obtaining continuing contract status.
45. Appreciate the superintendent's duties in reporting adverse employment actions.
46. Know and apply the requirements for posting vacant personnel positions, as interpreted by Attorney General opinion.
47. Assure that school personnel are appointed in accordance with statutory requirements.
48. Identify the only person or persons authorized to contractually bind the school board.
49. Apply accurately the statutory provisions related to extended or extra duty contracts.
50. Recognize employment rights related to sick leave under state law.
51. Identify employees covered by the Teacher Tenure Act.
52. Apply the Teacher Tenure Act to discern the continuing contract status of various personnel.
53. Identify employees covered by the Teacher Accountability Act.
54. Understand the distinction between contract and probationary principals, and the contractual status of individuals pursuant to the Teacher Accountability Act.
55. Identify employees covered by the Fair Dismissal Act.
56. Apply the Fair Dismissal Act to various fact situations.
57. Describe procedural requirements for transfer of various personnel.
58. Recognize situations in which various types of school employees may be non-renewed.
59. Recount the procedures for non-renewing various types of school employees, based upon their classification.
60. Specify the procedural rights for termination of employees covered by the Teacher Tenure Act.
61. Specify the procedural rights for termination of employees covered by the Teacher Accountability Act.
62. Specify the procedural rights for termination of employees covered by the Fair Dismissal Act.
63. Relate the statutory causes of dismissal for the various types of school employees.

64. Identify the means of providing accountability for teachers by law and regulation.
65. Distinguish the types of educational malpractice claims that might be brought against school officials and school boards.
66. Acknowledge applications of Alabama's Open Records Act in school settings.
67. Recognize the status of personnel records for education employees as a governmental record.
68. Specify the copyrights provided under federal copyright law.
69. Recognize applications of the "work for hire" rule in school settings.
70. Apply fair use doctrine and the teacher exception in copyright law to educational situations.
71. Understand the guidelines for classroom copying for teachers as a form of fair use.
72. Recall the constitutional standards for reviewing school board policies or decisions and understand the burden of proof required by each.
73. Associate the concept of "bona fide occupational qualification" with discriminatory actions as an employer.
74. Understand the need to protect the school district from a claim of discrimination by being able to point to a legitimate, nondiscriminatory reason for employment actions.
75. Recognize the classifications of sexual harassment and the elements for an actionable hostile work environment sex harassment claim.
76. Acknowledge the various types of discrimination claims that might be brought against a school district and the superintendent's role in reducing the potential success of such claims.
77. Articulate means of protecting the school district from claims of discrimination on the basis of disability.
78. Understand the rights of employees to engage in expression.
79. Recall the Mt. Healthy School District v. Doyle test for mix-motive adverse employment decisions.
80. Comprehend the application of Hazelwood School District v. Kuhlmeier in determining the expressive rights of teachers in the classroom setting.
81. Recognize association and privacy rights of employees inside and outside the school setting.
82. Apply public forum doctrine to leadership decisions in schools and school districts.
83. Recant the statutory requirements related to student conduct regulations and the concomitant duties placed on school boards and school personnel.
84. Recognize procedural due process that is required in excluding students from school and recant Alabama statutes calling for exclusion of problem students.
85. Concede that Alabama statutes requiring the removal of students from schools who are disciplinary problems, who are involved with drugs, or who bring weapons to school, may conflict with federal legal requirements for students with disabilities.
86. Specify situations in which student disciplinary transfers may or may not be used.

87. Define corporal punishment.
88. Describe the constitutional aspects of the administration of corporal punishment.
89. Apply corporal punishment, with recognition of legal constraints and protections regarding its use.
90. Recant the legal requirements for search and seizure, according to New Jersey v. T.L.O.
91. Describe exceptions to the requirement of individualized suspicion for searches in the school setting.
92. Grasp the consequences of inappropriately applied search or seizure techniques.
93. Define academic sanctions as a form of discipline.
94. Appreciate the types of claims that might arise from the inappropriate application of academic sanctions and devise strategies to assure that the school district is protected from such claims.
95. Relate the legislative measures fostered by the Alabama Legislature to address school safety and health issues.
96. Acknowledge applicable compulsory attendance ages and the duties of school personnel regarding student attendance.
97. Identify exemptions from compulsory attendance law.
98. Perceive how residency rules function in requiring or denying school attendance.
99. Understand situations in which fees may and may not be assessed in the school setting.
100. Recite legal requirements regarding the curriculum.
101. Understand the application of race, color, alienage, national-origin, gender, language, age, and disability-based classifications as a source of potential claims of discrimination.
102. Recognize the situations where ability grouping may foster a claim of discrimination.
103. Distinguish between applications of Section 504 of the Rehabilitation Act of 1973 and the Individuals with Disabilities Education Act (IDEA).
104. Comprehend differences in eligibility under Section 504 and IDEA.
105. Recant and apply the six major principles fostered by IDEA.
106. Know proper disciplinary procedures for students protected by Section 504 and for students receiving services under IDEA.
107. Understand notions of due process and how they apply to the discipline of schoolchildren.
108. Apply appropriate rules for dealing with student expression, both inside and outside the school setting.
109. Appropriately deal with privacy rights of students.
110. Understand the differences between public forum doctrine and the Equal Access Act and make appropriate decisions based upon those differences.