MINUTES OF THE ALABAMA STATE BOARD OF EDUCATION
THE STATE OF ALABAMA
TUESDAY, JULY 14, 2009
MONTGOMERY, ALABAMA

The Alabama State Board of Education met for its regular meeting of Elementary/Secondary Education matters on Tuesday, July 14, 2009, at 9:35 a.m. in the auditorium of the Gordon Persons Building, Montgomery, Alabama. The meeting was called by the Vice President of the Board in accordance with Alabama Code (1975), §16-3-7, as amended.

PRESIDING: MR. RANDY MCKINNEY, VICE PRESIDENT
ALABAMA STATE BOARD OF EDUCATION

Following the invocation and Pledge of Allegiance, Mr. Randy McKinney called the meeting to order. On roll call, the following members were present:

Mrs. Ella B. Bell
Mrs. Stephanie Bell
Mr. David F. Byers, Jr.
Dr. Mary Jane Caylor, President Pro Tem
Dr. Ethel H. Hall, Vice President Emerita
Mr. Randy McKinney, Vice President
Mrs. Betty Peters
Mr. Gary Warren
Governor Bob Riley

Dr. Joseph B. Morton, State Superintendent of Education and Secretary and Executive Officer of the Board, was present.

APPROVAL OF THE MINUTES OF JUNE 11, 2009

On motion by Mrs. Ella B. Bell and seconded by Dr. Ethel H. Hall, the Board unanimously approved the minutes of June 11, 2009.

APPROVAL OF AGENDA

On motion by Dr. Ethel H. Hall and seconded by Mrs. Betty Peters, the Board unanimously approved the agenda.

AMEND ALABAMA ADMINISTRATIVE CODE, CHAPTER 290-4-1, EDUCATION ACCOUNTABILITY TO INCLUDE THE EDUCATOR CODE OF ETHICS

Two individuals addressed the Board pertaining to the Educator Code of Ethics. Dr. Tyna Davis spoke on behalf of the Alabama Education Association, and Ms. Pamela Fossett represented the Alabama Association of Classroom Teachers.

Dr. Davis stated that the Alabama Education Association supported the Code of Ethics but felt that portions of the language used was vague and could bring about havoc in the school systems. She referenced the Code of Ethics used in the states of New York, Michigan, and Texas and what had been done in these states to clarify teacher discipline. Request was made to consider revising what the Association felt was vague language and in doing so the Alabama Education Association would be ready to assist in any way possible. Ms. Pamela Fossett stated that the Association for Classroom Teachers was in full support of the Code of Ethics to be used as a guiding force but concur in that some of the language was vague and some portions needed clarity, such as whether or not teachers would be permitted to accept student gifts.

A motion was made by Mr. David F. Byers, Jr., and seconded by Governor Bob Riley to approve the Educator Code of Ethics. A motion was made by Dr. Mary Jane Caylor and seconded by Mr. Gary Warren to table the vote. The vote failed 4-5

Yes
Mrs. Ella B. Bell
Dr. Mary Jane Caylor
Dr. Ethel H. Hall
Mr. Gary Warren

No
Governor Bob Riley
Mr. David F. Byers, Jr.
Mrs. Stephanie Bell
Mr. Randy McKinney
Mrs. Betty Peters

After this vote, a detailed discussion was held by Board members. Dr. Joseph B. Morton requested that Mr. Larry Craven, Legal Counsel for the State Board of Education, and Dr. Tony Thacker, Education Administrator, address the Board.

Mr. Craven stated that the Code of Ethics had been adopted by the Alabama State Board of Education as a resolution in July 2005. In 2007 the Alabama State Board of Education voted to adopt the Alabama Quality Teaching Standards in the Administrative Code of the State Department of Education. Those standards incorporated by reference the Alabama Code of Ethics in several places. No evidence has been presented, either in verbal or
written form, indicating any administrator abuses of the Code of Ethics. Mr. Craven affirmed that it does provide more authority to the State Superintendent of Education in addressing misconduct by teachers.

In response to Governor Bob Riley’s question pertaining to the development of the document, Dr. Tony Thacker stated that there were approximately 200 business and educational leaders involved.

Dr. Joseph B. Morton stated that his request was for Board members to memorialize in the Alabama Administrative Code the Board’s actions. He stated that the Board adopted by unanimous vote a resolution on July 12, 2005, to approve the Code of Ethics, and it had been adopted two years later on August 6, 2007, for inclusion in the Alabama Quality Teaching Standards. Numerous presentations have been made and out of an audience of 5,000 there had been no complaints. He stated that no changes had been made to the document and if the Board waits two months, a vote could not be held before October. He would like to share information with local school systems before the August 10 starting date.

In response to Mr. Byers’ question on whether or not the document would amend the Tenure Law and if it legally changes the rights of teachers, Mr. Craven stated that it did not alter the language and provides clarity on examples of good and bad behavior. Also, the document does not alter due process.

Dr. Mary Jane Caylor stated that she was concerned about the vagueness and some of the confusion that exist and asked the Board to wait two months in order to allow time for attorneys and others to meet during the Alabama Association of School Boards meeting. Mrs. Ella B. Bell stated that she could not support the document in its current form because of the vagueness and ambiguity. Dr. Ethel H. Hall asked Board members about the probability of delaying the vote for two months in order to allow more time for discussion.

Governor Bob Riley stated that he did not feel that there was a document that existed that did not have ambiguous language. He stated that we have had the document for four years and felt that even with a delay in passage, it would be impossible to remove all ambiguous language. He encouraged support of the document in its present form.

The final vote passed 8-0-1.

Yes
Mrs. Stephanie Bell
Mr. David F. Byers, Jr.
Dr. Mary Jane Caylor
Dr. Ethel H. Hall
Mr. Randy McKinney
Mrs. Betty Peters
Governor Bob Riley
Mr. Gary Warren

Abstain
Mrs. Ella B. Bell

ELECTION OF VICE PRESIDENT AND PRESIDENT PRO TEM FOR THE ALABAMA STATE BOARD OF EDUCATION

On motion by Mr. Gary Warren and seconded by Mr. David F. Byers, Jr., the Board voted unanimously to elect Mr. Randy McKinney as Vice President.

On motion by Mr. David F. Byers, Jr., and seconded by Mrs. Ella B. Bell, the Board voted 8-1 in favor of Dr. Mary Jane Caylor as President Pro Tem.

Yes
Mrs. Ella B. Bell
Mr. David F. Byers, Jr.
Dr. Mary Jane Caylor
Dr. Ethel H. Hall
Mr. Randy McKinney
Mrs. Betty Peters
Governor Bob Riley
Mr. Gary Warren

No
Mrs. Stephanie Bell

On motion by Mr. Gary Warren and seconded by Mrs. Stephanie Bell, the Board voted unanimously to approve the following:

ANNOUNCE INTENT TO REPEAL THE ALABAMA ADMINISTRATIVE CODE, CHAPTER 290-6-1 AND ADOPT A NEW ALABAMA ADMINISTRATIVE CODE, CHAPTER 290-6-1, PERTAINING TO CAREER AND TECHNICAL EDUCATION

ANNOUNCE INTENT TO AMEND THE ALABAMA ADMINISTRATIVE CODE, RULE 290-2-1-.01, ANNUAL APPORTIONMENT OF FOUNDATION PROGRAM FUNDS, AND RULE 290-2-1.04, ANNUAL APPORTIONMENT OF PUBLIC SCHOOL FUNDS, TO ALLOW FOR THE ANNUAL APPORTIONMENT OF FUNDS AND TO INCLUDE THE POSTING OF PAID INVOICES ON LOCAL BOARDS OF EDUCATION WEB SITES
On motion by Dr. Mary Jane Caylor and seconded by Mrs. Stephanie Bell, the Board voted unanimously to approve the following:

RESOLUTION TO APPROVE A TEACHER EDUCATION PROGRAM, SAMFORD UNIVERSITY, BIRMINGHAM, ALABAMA

On Motion by Dr. Ethel H. Hall and seconded by Mrs. Stephanie Bell, the Board voted unanimously to adopt the following:

RESOLUTION COMMENDING BETTY BLACKWELL
“BARBARA FANNIN MEMORIAL EMPLOYEE OF THE QUARTER” JULY-SEPTEMBER 2009

WHEREAS, Betty Blackwell, of Child Nutrition Programs, exhibits a positive attitude and is always cooperative; and

WHEREAS, Betty Blackwell is a team player and always meets goals and deadlines in a timely and confidential manner; and

WHEREAS, Betty Blackwell is always helpful and has a willing attitude, and interacts well with coworkers, colleagues, superiors, and subordinates, no matter how difficult or detailed the task; and

WHEREAS, Betty Blackwell is very resourceful and professional, and exhibits total dedication and cooperation in performing assigned responsibilities and assisting other employees; and

WHEREAS, Betty Blackwell maintains a positive image, communicates with the public in a professional manner, and represents the department well:

NOW, THEREFORE, BE IT RESOLVED, That the Alabama State Board of Education does hereby commend Betty Blackwell as the recipient of the “Barbara Fannin Memorial Employee of the Quarter Award” for July-September 2009, and expresses its appreciation for exemplary service to the Alabama Department of Education, to this board and, ultimately, to the students and teachers in Alabama’s public schools.

Done this 14th day of July 2009.

Superintendent’s Report

Dr. Morton informed the Board that Dr. Tommy Rice, Deputy State Superintendent of Education, Instructional Services, and Mr. Craig Pouncey, Assistant State Superintendent, Administrative and Financial Services, would present a PowerPoint presentation, Annual Update on Educational Progress/Initiatives. He hopes this will be done on an annual basis to update the Board on educational progress in the Department. A copy of this document is filed in the Board’s folder.

The meeting adjourned at 10:56 a.m.

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Vice President

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Secretary and Executive Officer