

APA-1  
11/96

TRANSMITTAL SHEET FOR  
NOTICE OF INTENDED ACTION

Control 290 Department or Agency State Department of Education  
Rule No. 290-3-2-.02  
Rule Title: Basic Principles

New  Amend   
Repeal  Adopt by Reference  (Check appropriate box)

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? NO

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? YES

Is there another, less restrictive method of regulation available that could adequately protect the public? NO

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? NO

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? NO

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? NO

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Does the proposed rule have an economic impact? NO

If the proposed rule does have an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama, 1975.

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Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama, 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Reference Service.

  
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Thomas R. Bice  
State Superintendent of Education

11/9/13  
\_\_\_\_\_  
DATE

APA-2  
11/96

STATE DEPARTMENT OF EDUCATION

NOTICE OF INTENDED ACTION

AGENCY NAME: State Department of Education

RULE NO. & TITLE: 290-3-2-.02 Basic Principles

INTENDED ACTION: Amend


SUBSTANCE OF PROPOSED ACTION:

Amend to require passing scores on the basic skills assessments of the Alabama Educator Certification Testing Program (AECTP) for issuance of an initial Specialty Area Career and Technical Certificate.

TIME, PLACE, MANNER OF PRESENTING VIEWS: A public hearing will be held at 9:30 a.m., March 14, 2013, Auditorium, Plaza Level, Gordon Persons Building, 50 North Ripley Street, Montgomery, Alabama. All persons wishing to express their views should contact the State Superintendent of Education (334-242-9700) no later than March 7, 2013, in order to be scheduled on the agenda. All persons wishing to express their views in writing to the State Superintendent of Education should address all written comments to the State Superintendent of Education, Gordon Persons Building, P.O. Box 302101, Montgomery, Alabama 36130-2101.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: March 14, 2013

CONTACT PERSON AT AGENCY: Dr. Jayne A. Meyer  
Alabama State Department of Education  
P.O. Box 302101  
Montgomery, Alabama 36130-2101  
(334-242-9560)

  
Thomas R. Bice  
State Superintendent of Education

**290-3-2-.02 Basic Principles.**

**(1) Certification Authority.**

(a) The Office shall be the sole office within the Alabama Department of Education to issue certificates and licenses and to implement Alabama laws and Rules adopted by the Alabama State Board of Education relating to the certification of teachers and instructional support personnel for preschool through Grade 12 (P-12). Rules, standards, directives, and memoranda written prior to adoption of these Rules are invalid and shall not be used to determine the application of these Rules. These Rules shall apply to all individuals whose applications for certification have a receipt date of on or after February 1, 2011.

(b) Unless otherwise provided by law, the teacher certification Rules in this chapter shall be the sole authority by which certification is administered. Only the Alabama State Superintendent of Education shall have the authority to make exceptions to these Rules. Additional information on the certification authority of the State Superintendent of Education is in Rule 290-3-2-.34(1).

(c) Although certificates issued by another state or DoDEA may not be transferred or validated as the authority of their holders to teach in Alabama schools, they will be considered in determining eligibility for Alabama certification. Certificates issued by another state or DoDEA will usually facilitate the process of obtaining Alabama certification.

(d) State certification Rules grant broad general authority but ensure uniformity of administration.

(e) State certification Rules allow modifications to supporting policies and procedures to facilitate adoption and implementation of new technologies and improved business processes.

**(2) Proper Certification.**

(a) Each person who serves as a teacher or in an instructional support personnel position in the public schools of the State is required to hold a valid Alabama certificate as prescribed in Ala. Code §16-23-1 (1975).

(b) Each person who serves as a teacher or in an instructional support personnel position in a registered private school which holds a private school certificate issued by the Alabama State Superintendent of Education is required to hold a valid Alabama certificate as prescribed in Ala. Code §16-28-1 (1975).

(c) Each person who serves as a private tutor is required to hold a valid Alabama certificate as prescribed in Ala. Code §16-28-5 (1975).

(d) Proper certification is defined as having a valid Alabama certificate in the teaching field(s) and/or area(s) of instructional support in which the person is assigned throughout the school day. The current edition of the *Subject and Personnel Codes* of the Alabama Department of Education, which is updated annually, shall be used to determine whether a person holds proper certification for his or her assignments throughout the school day.

(e) An individual who is assigned one or more periods per day in a teaching field in which he or she is not properly certified will cause a penalty of a minimum of \$500.00 per teacher per year to be assessed against the employing board of education. Additional information about proper certification is in Rule 290-3-2-.01(45). Additional information about the penalty is in Rule 290-2-1-.01. All teachers must be paid according to the State Minimum Salary Schedule. Additional information about the schedule is in Rule 290-2-1-.01.

**(3) Highly Qualified Teacher.** A teacher may be officially designated highly qualified by the Alabama State Superintendent of Education in a specific core academic subject area(s) and grade level(s) based on having met criteria outlined in the current edition of *The Alabama Model for Identifying Highly Qualified Teachers*.

**(4) Complete Applications.**

(a) An applicant must meet all certification requirements for the selected approach to certification in effect on the receipt date of the application.

(b) An applicant who submits an incomplete application for certification must submit the additional required information within the 12 month period beginning with the date of a letter from the Office indicating the requirements yet to be met. If the application is not complete within that 12 month period, the applicant must re-apply, submit another application fee, and meet requirements in effect on the receipt date of the new application.

(c) An applicant for any Alabama certificate or license must meet the requirements of the criminal history background check. Additional information is in Rule 290-3-2-.01(20). An application will not be assigned for review until a criminal history background check as required by the Alabama Child Protection Act of 1999, as amended, and Rule 290-3-2-.02(9) has been completed.

(d) An applicant for the issuance of a Professional Educator Certificate, Professional Leadership Certificate, Special Alternative Certificate, Alternative Baccalaureate-Level Certificate, Career and Technical Alternative Baccalaureate-Level Certificate, Preliminary Certificate, Speech-Language Pathology Assistant Certificate, Specialty Area Career and Technical Certificate, or Interim Certificate must meet the requirements of the Alabama Prospective Teacher Testing Program (APTTP). Additional information is in Rule 290-3-2-.01(6).

**(5) Application Fee.**

(a) The Office shall collect fees for certification purposes pursuant to Ala. Code § 16-23-4 (1975).

(b) Each application for certification must be accompanied by a \$30.00 fee.

1. If the applicant is or becomes eligible for certification within twelve months of the review of the application, a certificate will be issued. Additional fee(s) may be requested for certification in more than one area.

2. If the applicant does not become eligible for certification within twelve months of the review of the application, an Emergency Certificate or Substitute License may be issued for a qualified applicant at the request of an employing superintendent or administrator. Otherwise, the \$30.00 fee is non-transferable and will be forfeited.

3. If eligibility requirements are not met within the twelve month period, the applicant must re-apply, submit a new fee, and meet requirements in effect on the receipt date of the new application.

(c) A cashier's check, money order, or receipt for online payment is required with the application. No other form of payment is accepted. Money orders and cashier's checks must be payable to the Alabama Department of Education.

(d) All fees are non-refundable.

**(6) Minimum Degree and Academic Requirements.**

(a) An applicant for a Professional Educator Certificate, Professional Leadership Certificate, Special Alternative Certificate, Alternative Baccalaureate-Level Certificate, Career and Technical Alternative Baccalaureate-Level Certificate, Preliminary Certificate, Speech-Language Pathology Assistant Certificate, Emergency Certificate, or Interim Certificate must have at least an earned bachelor's degree from a regionally accredited senior institution.

(b) A bachelor's degree is not required for:

1. Some Career and Technical Certificates. Additional information is in Rules 290-3-2-.23-.26.

2. Junior Reserve Officer Training Corps (JROTC) Certificates.

3. Substitute Teacher Licenses.

(c) An applicant whose only degree is a bachelor's degree that has been earned from a non-regionally accredited senior institution may apply for a Class B Professional Educator Certificate with acceptable verification that all of the following conditions have been met:

1. Completion of a state-approved teacher education program.

2. Valid professional certificate from another state or DoDEA in an area in which Alabama offers comparable certification at the Class B level.

3. Nine semester hours of graduate credit with grades of “B” or above earned from an Alabama institution with State-approved educator preparation programs and posted on the official transcript of that institution.

(d) An applicant who holds a bachelor’s degree from a non-regionally accredited senior institution and a bachelor’s or higher degree from a regionally accredited senior institution shall have both degrees recognized for certification purposes.

(e) Degrees above the bachelor’s level earned from non-regionally accredited senior institutions will not be recognized for certification purposes.

(f) Remedial courses will not be recognized for certification purposes.

(g) Additional information about degree requirements is in the Rule for each approach.

**(7) Time Limits on Applications Based on Completion of a State-Approved Program.**

(a) An individual who completed a State-approved program must submit an application for Alabama certification within 60 calendar months of program completion as indicated on Supplement NAL.

(b) An individual who does not apply within the time limit prescribed above may be eligible to seek certification through one of the following options:

1. Contact the institution where the approved program was completed for the requirements which must be met to complete the current approved program.

2. Contact another institution with an approved program for information about current program admission and completion requirements. Additional information about State-approved programs is in Rule 290-3-2-.03.

3. Use another State-approved approach. Additional information is in Rules 290-3-2-.06-.27.

**(8) Limitations on Issuance of Alternative Certificates.** An individual may not be employed for more than three scholastic years on the basis of holding an Alternative Baccalaureate-Level Certificate, a Career and Technical Alternative Baccalaureate-Level Certificate, a Preliminary Certificate, a Special Alternative Certificate, an alternative-approach certificate issued by another state or issuing authority, or any combination thereof. However, an individual who earns a Professional Educator Certificate or Professional Leadership Certificate in the teaching field or area of instructional support for which the alternative certificates were issued may be eligible to follow an alternative approach to earning a Professional Educator Certificate or Professional Leadership Certificate in another area.

**(9) Criminal History Background Check.**

(a) Effective July 1, 2002, an applicant for certification/licensure or an applicant employed by a local school system or nonpublic school who will have unsupervised access to children in an educational environment and who has not completed a background check since July 1, 1999, as required by the Alabama Child Protection Act of 1999, as amended, shall be required to be fingerprinted for a criminal history background check through the Alabama Bureau of Investigation (ABI) and the Federal Bureau of Investigation (FBI) pursuant to Act 2002-457.

1. The applicant shall be fingerprinted by the approved third party contractor designated by the Alabama Department of Education who has been trained to take acceptable fingerprints.

2. An applicant for certification/licensure:

(i) Shall be fingerprinted by the approved third party contractor designated by the Alabama Department of Education who has been trained to take acceptable fingerprints, submit the required nonrefundable and nontransferable fee, and authorize the Alabama Department of Public Safety to conduct a criminal history background check and allow the release of any criminal history information to the Alabama Department of Education; and

(ii) After a suitability determination by the Alabama State Superintendent of Education, the appropriate certificate shall be issued, if other requirements for certification are met.

3. An applicant recommended for employment by a local employing board of a public school:

(i) Shall be fingerprinted by the approved third party contractor designated by the Alabama Department of Education who has been trained to take acceptable fingerprints, submit the required nonrefundable and nontransferable fee, and authorize the Alabama Department of Public Safety to conduct a criminal history background check and allow the release of any criminal history information to the Alabama Department of Education; and

(ii) Shall be issued a suitability determination from the Alabama State Superintendent of Education if the individual is a certified applicant for employment; or

(iii) Shall be issued a clear report or a report consisting of confirmed convictions and pending criminal charges if the individual is a noncertified applicant for employment; and

(iv) Shall have the suitability determination or report issued to the local employing superintendent.

4. An applicant recommended for employment in a nonpublic school:

(i) Shall be fingerprinted by the approved third party contractor designated by the Alabama Department of Education who has been trained to take acceptable fingerprints, submit the required nonrefundable and nontransferable fee, and authorize the Alabama Department of Public Safety to conduct a criminal history background check and allow the release of any criminal history information to the Alabama Department of Education; and

(ii) Shall have a suitability determination issued by the Alabama State Superintendent of Education to the administrator of the nonpublic school requesting the determination.

(b) Effective July 1, 2002, a current certified/licensed or noncertified employee who has or will have unsupervised access to children in an educational environment and who has not completed a background check since July 1, 1999, through the ABI and the FBI for the purposes of Alabama certification/licensure or employment with a local employing board or nonpublic school shall be required to submit fingerprints for a background check pursuant to Act 2002-457.

1. Any current certified/licensed or noncertified employee in a public school system:

(i) Shall be fingerprinted by the approved third party contractor designated by the Alabama Department of Education who has been trained to take acceptable fingerprints, submit the required nonrefundable and nontransferable fee, and authorize the Alabama Department of Public Safety to conduct a criminal history background check and allow the release of any criminal history information to the to the Alabama Department of Education;

(ii) Shall be issued a suitability determination from the Alabama State Superintendent of Education; and

(iii) Shall have the same suitability determination issued to the local employing superintendent.

2. Any current certified/licensed or noncertified employee in a nonpublic school:

(i) Shall be fingerprinted by the approved third party contractor designated by the Alabama Department of Education who has been trained to take acceptable fingerprints, submit the required nonrefundable and nontransferable fee, and authorize the Alabama Department of Public Safety to conduct a criminal history background check and allow the release of any criminal history information to the Alabama Department of Education; and

(ii) Shall have a suitability determination issued by the Alabama State Superintendent of Education to the administrator of the nonpublic school requesting the determination.



(c) Effective July 1, 2002, a background check shall be required for any current employee and any new employee of the Alabama Department of Education who has unsupervised access to and provides education, training, instruction, or supervision for children in an educational setting.

1. An Alabama Department of Education employee shall be fingerprinted by the approved third party contractor designated by the Alabama Department of Education who has been trained to take acceptable fingerprints, submit the required nonrefundable and nontransferable fee, and authorize the Alabama Department of Public Safety to conduct a criminal history background check and allow the release of any criminal history information to the Alabama Department of Education.

2. An Alabama Department of Education employee shall be issued a suitability determination by the Alabama State Superintendent of Education.

(d) Effective no later than the beginning of the fall 2008 semester, any candidate applying for admission to a State-approved teacher education program shall be required to be fingerprinted for a criminal history background check through the Alabama Department of Education to the Alabama Bureau of Investigation (ABI) and the Federal Bureau of Investigation (FBI) pursuant to Act 2002-457.

1. The candidate shall be fingerprinted by the approved third party contractor designated by the Alabama Department of Education who has been trained to take acceptable fingerprints, submit the required nonrefundable and nontransferable fee, and authorize the Alabama Department of Public Safety to conduct a criminal history background check and allow the release of any criminal history information to the Alabama Department of Education.

2. The candidate shall be issued a suitability determination from the State Superintendent of Education. The candidate must provide the designated official of the teacher education unit documentation of having cleared the criminal history background check prior to admission to a State-approved teacher education program.

3. A candidate whose suitability determination precludes admission to a State-approved teacher education program has the right to due process procedures in accordance with Rule 290-3-2-.34, Revocation and Suspension of Certificates and Unsuitability Determinations.

(e) After such time that all current employees have been fingerprinted for a background check, any individual who submits an application for additional certification or for the renewal of a certificate, and who has not completed a background check shall be required to be fingerprinted by the approved third party contractor designated by the Alabama Department of Education who has been trained to take acceptable fingerprints, submit the required nonrefundable and nontransferable fee, and authorize the Alabama Department of Public Safety to conduct a criminal history background check and allow the release of any criminal history information to the Alabama Department of Education.

(f) A background clearance shall also be required of an applicant or current employee who completed a background check for certification/licensure purposes prior to July 1, 2002, but no longer has those prints on file due to the lapse of the certificate or license or because the individual was not eligible for a certificate or license.

(g) When the Alabama State Superintendent of Education has reasonable suspicion that an individual who holds a certificate or license issued by the Alabama State Board of Education or is a current public employee has been convicted of a felony or a misdemeanor other than a minor traffic violation or has been guilty of immoral, indecent or unbecoming behavior, that individual shall be subject to a background clearance through a fingerprint review. In such case, the individual will not be responsible for the required fee. A letter of notification from the Alabama State Superintendent of Education regarding the intent to conduct a review will be sent to the individual. The individual shall be fingerprinted by the approved third party contractor designated by the Alabama Department of Education who has been trained to take acceptable fingerprints and authorize the Alabama Department of Public Safety to conduct a criminal history background check and allow the release of any criminal history information to the Alabama Department of Education. Failure to comply with this requirement shall result in appropriate disciplinary action.

(h) No local employing board or nonpublic school shall hire an applicant who may have unsupervised access to a child without first obtaining a criminal history background information check, except on a temporary emergency basis. In the event that this exception is used and a position is filled by the employer due to exigent circumstances, the applicant so employed may be placed on payroll until such time as a criminal history background information check on the employee is completed as prescribed in Act 2002-457.

**(10) Alabama Prospective Teacher Testing Program (APTTP).**

(a) The issuance of a Professional Educator Certificate, Professional Leadership Certificate, Special Alternative Certificate, Alternative Baccalaureate-Level Certificate, Career and Technical Alternative Baccalaureate-Level Certificate, Preliminary Certificate, Speech-Language Pathology Assistant Certificate, Specialty Area Career and Technical Certificate, or Interim Certificate requires that an applicant successfully complete the requirements of the Alabama Prospective Teacher Testing Program (APTTP).

(b) Official score report(s) must be received in the Office directly from the testing company(ies).

(c) The test requirement does not apply to an applicant who is advancing an existing area of certification to a higher level. An applicant who holds a valid Professional Educator Certificate or Professional Leadership Certificate and who seeks initial certification in a different subject area is required to attain a passing score on the prescribed subject assessment of the Alabama Prospective Teacher Testing Program (APTTP).

(d) Additional information is in Rule 290-3-2-.01(6).

**(11) Educational Experience.**

(a) Acceptable teaching and instructional support experience includes full-time educational employment in:

1. A state or local public school;
2. A nonpublic school;
3. A church-related school;
4. A charter school that was accredited by a regional accrediting agency or approved by the State Department of Education where the school is geographically located when the experience was earned;
5. State Departments of Education;
6. Alabama Department of Education sponsored Initiatives;
7. An educational association;
8. A post-secondary institution that was regionally accredited when the experience was earned. Full-time employment in a post-secondary institution is determined by the written policies of that institution.

(b) Employment in increments of less than one semester (4.5 months) will not be considered.

(c) Employment in increments of less than twenty hours a week will not be considered.

(d) Educational experience as an intern, graduate assistant, student teacher, or in positions such as an aide, clerical worker, or substitute teacher is not acceptable.

(e) Supplement EXP must be used to document educational experience.

**(12) Valid Periods for Certificates and Licenses.**

(a) Beginning dates and ending dates of valid periods. All valid periods begin on July 1 and end on June 30.

(b) Deadline for meeting requirements. All requirements for a certificate bearing the July 1 date of a given year must be met prior to September 1 of that year with the exception of renewal requirements for certificates that expire June 30, 2012, and thereafter. Additional information about renewal requirements is in Rule 290-3-2-.33.

1. If any requirement, other than the requirements of the Alabama Prospective Teacher Testing Program, is not met by August 31, the certificate will be dated the following July 1.

2. For a Professional Educator Certificate or Professional Leadership Certificate, verification of current passing scores attained on the basic skills assessments and the prescribed Praxis II subject assessment of the Alabama Prospective Teacher Testing Program (APTTP) on test administration dates prior to January 1 in order to have a certificate issued with a valid period beginning the preceding July 1 unless otherwise prescribed elsewhere in this chapter.

3. For certificates other than a Professional Educator Certificate or Professional Leadership Certificate, information about the dates by which current passing scores on the basic skills assessments and the prescribed Praxis II subject assessment of the Alabama Prospective Teacher Testing Program (APTTP) must be attained in order to have a certificate issued is in the Rule for the specific certificate.

4. Additional information about the APTTP is in Rules 290-3-2-.01(6) and 290-3-2-.02(10).

(c) Current valid periods for Professional Educator Certificates and Professional Leadership Certificates. On July 1, 1997, the Department began to issue Professional Educator Certificates with a valid period of five years. In January 2010, the Department began to issue Professional Leadership Certificates with a valid period of five years.

(d) Changing valid periods when a new Professional Educator Certificate or Professional Leadership Certificate is added. When an additional Professional Educator Certificate or Professional Leadership Certificate is issued with a valid period of five years, the valid period for each valid Professional Educator Certificate or Professional Leadership Certificate shall be updated to reflect the five year valid period of the newest Professional Educator Certificate or Professional Leadership Certificate.

(e) Changing valid periods when an additional teaching field is added to a Professional Educator Certificate. When an additional teaching field is added to a valid Professional Educator Certificate, the valid period for each Professional Educator Certificate or Professional Leadership Certificate shall be updated to the current five year period.

(f) Additional information regarding the valid period of a certificate is in the Rule for the specific certificate.

(g) Valid periods for Professional Educator Certificates Prior to 1997.

1. Prior to July 1, 1997, a Class B Professional Educator Certificate was issued with a valid period of 8 years, a Class A Professional Educator Certificate was issued with a valid period of 10 years, and a Class AA Professional Educator Certificate was issued with a valid period of 12 years.

2. All Professional Educator Certificates reinstated on or after July 1, 1997, shall be valid for five scholastic years (July 1 to June 30).

**(13) Failure to Maintain a Valid Certificate.** An individual who allows a certificate to expire cannot qualify for a certificate at the same degree-level in the same teaching field or area of instructional support based on the same approach and criteria or credentials that were used to earn the certificate initially. Additional information on the requirements for reinstating an expired certificate is in Rule 290-3-2-.33.

**SUPP. NO. 10-4**  
**290-3-2-.02 Author**

**TEACHER CERTIFICATION**

**290-3-2-.02 History**

**Author:** Dr. Thomas R. Bice.

**Statutory Authority:** Ala. Code §§16-3-11, 16-23-1 and 16-23-2 (1975).

**History:** New 12-19-78, repealed 12-8-94, effective 12-31-96; new adopted 12-8-94, effective 1-1-97, repealed 11-14-96 and amended repealed date of original chapter to 6-30-97 new adopted 1-9-97 effective 7-1-97; amended: 6-14-99; effective 7-19-99, repealed and new adopted 06-13-02; emergency Rule to appeal and adopt new filed on 6-13-02; new adopted 8-8-02, effective 9-12-02; emergency Rule to appeal and adopt new filed on 10-10-02; new adopted 12-12-02, effective 1-16-03; repealed and new adopted 09-11-03 effective 10-16-03; emergency amended Rule adopted 4-14-05, effective 4-14-05; amended Rule adopted 6-9-05, effective 7-14-05; amended 8-7-06, effective 9-11-06; repealed and adopted new, 8-4-08, effective 9-18-08; repealed and adopted new 12-9-10, effective 1-14-11; emergency Rule to amend filed 1-10-13; amended Rule adopted 3-14-13, effective 4-18-13.