

APA-1  
11/96

TRANSMITTAL SHEET FOR  
NOTICE OF INTENDED ACTION

Control 290 Department or Agency State Department of Education  
Rule No. 290-4-1-.02  
Rule Title: Educational Intervention

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? YES

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? NO

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? YES

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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.

  
\_\_\_\_\_  
Thomas R. Bice  
State Superintendent of Education

7/9/10  
\_\_\_\_\_  
DATE

APA-2  
11/96

STATE DEPARTMENT OF EDUCATION

NOTICE OF INTENDED ACTION

AGENCY NAME: State Department of Education

RULE NO. & TITLE: 290-4-1-.02 Educational Intervention.


INTENDED ACTION: The State Department of Education proposes to adopt an emergency rule as a permanent new rule.

SUBSTANCE OF PROPOSED ACTION: This new rule implements the requirements of the Educational Accountability and Intervention Act of 2013.

TIME, PLACE, MANNER OF PRESENTING VIEWS: A public hearing will be held at 9:30 a.m., September 12, 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 September 11, 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: September 12, 2013

CONTACT PERSON AT AGENCY: Dennis Heard  
Alabama State Department of Education  
P.O. Box 302101  
Montgomery, Alabama 36130-2101  
(334-242-9747)

  
Thomas R. Bice  
State Superintendent of Education

SUPP 13-3  
290-4-1-.02(1)

NEW  
EDUCATION ACCOUNTABILITY

290-4-1-.02(1)

290-4-1-.02 Educational Intervention.

(1) The State Board of Education may intervene in the educational operations of a city or county board of education as provided by the Educational Accountability and Intervention Act of 2013.

(2) After approval of educational intervention by the State Board of Education, the State Superintendent shall exercise control over the decision making and operational functions of the city or county board of education.

(3) The State Superintendent of Education or designee shall have the power and authority to act for and on behalf of the city or county board of education and its superintendent in all matters and for all purposes under state laws while the city or county board of education is operating under educational intervention.

Author: Dr. Warren Craig Pouncey  
Statutory Authority: Ala. Code §16-3-11 (1975).  
History: Filed New Rule on 7-17-13.