SB550

140973-1

By Senator Brewbaker

RFD: Education

First Read: 24-APR-12
SYNOPSIS: Under existing law, each local board of education is required to adopt a reduction-in-force policy to objectively govern layoffs, recalls, and notifications of layoffs and recalls.

This bill would prohibit the consideration of seniority in making staffing decisions.

This bill would also require the use by the board of a weighted determination of demonstrated effectiveness of an employee in advancing student achievement in making staffing decisions.

A BILL TO BE ENTITLED AN ACT

To amend Section 16-1-33, Code of Alabama 1975, relating to written reduction in force policies adopted by local boards of education; to prohibit the consideration of seniority in making staffing decisions; and to require the use of a weighted determination of demonstrated effectiveness of
an employee in advancing student achievement in making
staffing decisions.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 16-1-33 of the Code of Alabama
1975, is amended to read as follows:

"§16-1-33."

"(a) When used in this section, the following words
shall have the following meanings:

"(1) BOARD. All public city and county boards of
education, the Board of Trustees of the Alabama Institute for
Deaf and Blind, the Alabama Youth Services Department District
Board in its capacity as the Board of Education for the Youth
Services Department District, the Board of Directors of the
Alabama School of Fine Arts, and the Board of Trustees of the
Alabama High School of Mathematics and Science.

"(2) EMPLOYEES. Employees or personnel of the board,
except those employees covered under the state's Merit System
and except those employees at the Alabama Industries for the
Blind.

"(3) LAYOFF. An unavoidable reduction in the work
force beyond normal attrition due to decreased student
enrollment or shortage of revenues.

"(b) Each board shall adopt a written
reduction-in-force policy consistent with Section 16-1-30. The
policy shall include, but shall not be limited to, layoffs,
recalls, and notifications of layoffs and recalls. The
reduction-in-force policy of the board shall be based on objective criteria—consistent with all of the following:

"(1) The use of seniority as a basis for making reduction-in-force, layoff, recall, retention, and other relevant staffing decisions is prohibited.

"(2) A reduction-in-force policy shall include all of the following criteria:

"a. Individual employee performance as the most heavily weighted factor. Factors to consider in evaluating individual employee performance shall include, but not be limited to, evidence of employee performance, demonstrated instructional skills, and preparation skills that maximize instructional time as assessed by the school principal or school administrators, as appropriate.

"b. Significant or relevant, or both, contributions to the school.

"c. Degrees and credentials relevant to the mission or objective, or both, of the school may be considered.

"d. Any record of misconduct, criminal conduct, or excessive unexcused absence from work."

Section 2. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.