HB353

147606-1

By Representatives Henry, McClurkin, Buttram, Sessions and Williams (P)

RFD: Education Policy

First Read: 26-FEB-13
SYNOPSIS: Under existing law, each local board of education is required to adopt a written reduction-in-force policy. This bill would provide further for the contents of a reduction-in-force policy.

A BILL TO BE ENTITLED
AN ACT

To amend Section 16-1-33, Code of Alabama 1975, relating to written reduction-in-force policies; to provide further for the contents of the policies; to authorize the State Superintendent of Education to develop a model policy; and to require that each policy comply with antidiscrimination laws.

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.

(c) The reduction-in-force policy for instructional employees shall be developed by the board in consultation with teachers and administrators to ensure the primary objective of the policy is to provide quality instruction to students. A
reduction-in-force policy shall comply with all of the following:

"(1) Consideration of seniority by a board is prohibited, except in the case of two equally rated employees.

"(2) Consideration of the degrees, credentials, and pay scale location of an employee is prohibited. A board may consider the primary subject area of an employee if the subject area is considered by the board to be high priority or hard to staff.

"(3) Individual employee performance ratings that include objective evidence of increased student achievement derived from an existing, or any succeeding, teacher or administrator evaluation system adopted by the board shall be the most heavily weighted factor, at least 50 percent, for reduction-in-force determinations. If the individual employee performance ratings of a board do not include objective evidence of increased student achievement, the board shall use the criteria provided in subdivision (4) for reduction-in-force determinations. The criteria, in their entirety, shall be weighted more than individual employee performance ratings.

"(4) If employee performance ratings include objective evidence of increased student achievement, the reduction-in-force policy may also consider additional criteria related to the impact of a teacher on classroom and school achievement including, but not limited to, all of the following:
"a. Demonstrated pedagogical skills.

"b. Classroom preparation and management skills that maximize instructional time as assessed by the school principal, school administrators, or peer evaluators, as applicable.

c. Significant or relevant contributions to the school.

d. Any record of misconduct, criminal conduct, or excessive unexcused absences.

"(d) The State Superintendent of Education may create a model reduction-in-force policy.

"(e) A reduction-in-force policy shall comply with all state and federal antidiscrimination laws, rules, and regulations."

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.