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

Relating to education; to provide for legislative findings regarding an annual teacher and employee evaluation system under development by the State Department of Education; 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. The Legislature finds that the State Department of Education is in the process of developing an annual teacher and administrator performance evaluation system, for implementation beginning with the 2015-2016 academic year, which includes objective measures of student academic growth as a significant factor. The Legislature further finds that such an evaluation system is absolutely essential for the protection of quality education whenever a reduction-in-force occurs.

Section 2. 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) Beginning with the 2015-2016 academic year, 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) An employee’s demonstrated experience in providing quality instruction to students shall be the most heavily weighted factor, not less than fifty percent, as documented in the employee’s annual performance evaluation reports under an evaluation system adopted by the State Board of Education by the 2015-16 academic year, which evaluation system shall include student academic growth as a significant measure. Seniority is not itself a substitute for or indicator of experience in providing quality instruction.
"(2) An employee’s degree may be considered as a factor if it is an advanced degree in the subject matter the employee is certified to teach, or, in the case of elementary school teachers and principals, an advanced degree in early childhood education or development.

"(3) A reduction-in-force policy may not include factors weighing in favor of or against any employee on the basis of an employee’s pay scale or seniority or longevity of employment, but seniority or longevity may be considered as a tie-breaker in the case of two or more employees with substantially equal ratings.

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

Section 3. This act shall become effective immediately following its passage and approval by the Governor, or its otherwise becoming law.