

1 HB296  
2 190043-1  
3 By Representative Poole  
4 RFD: Fiscal Responsibility  
5 First Read: 25-JAN-18

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8 SYNOPSIS: In order to provide for the implementation  
9 of biennial budgeting periods, this bill changes  
10 the dates of notice of non-renewal and of  
11 non-tenure of teachers in the public schools of  
12 Alabama and the Alabama Community College System.  
13 This bill is contingent upon the approval in  
14 referendum of the constitutional amendment proposed  
15 by HB \_\_\_\_ providing for biennial budgeting  
16 sessions of the legislature which is approved at  
17 statewide referendum as provided for by law.

18  
19 A BILL  
20 TO BE ENTITLED  
21 AN ACT  
22

23 To amend current state law changing the dates of  
24 non-renewal and notice of non-tenure of teachers in the public  
25 schools of Alabama and the Alabama Community College System.  
26 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1                   Section 1. Sections 16-24C-4 and 16-24C-5, Code of  
2 Alabama 1975, are hereby amended to read as follows:

3                   "§16-24C-4.

4                   "No action may be proposed or approved based upon  
5 personal or political reasons on the part of the employer,  
6 chief executive officer, or governing board. A teacher shall  
7 attain tenure, and a classified employee shall attain  
8 nonprobationary status as follows:

9                   "(1) Except as otherwise provided by Section  
10 16-23-3, a teacher who is not an employee of a two-year  
11 educational institution operated under the authority and  
12 control of the ~~Department of Postsecondary Education~~ Alabama  
13 Community College System, shall attain tenure upon the  
14 completion of three complete, consecutive school years of  
15 full-time employment as a teacher with the same employer  
16 unless the governing board approves and issues written notice  
17 of termination to the teacher on or before ~~the last day~~ June  
18 15 of the teacher's third consecutive, complete school year of  
19 employment. For purposes of this chapter, a probationary  
20 teacher whose employment or reemployment is effective prior to  
21 October 1 of the school year and who completes the school year  
22 shall be deemed to have served a complete school year. A  
23 teacher employed by a two-year educational institution  
24 operated under the authority and control of the ~~Department of~~  
25 ~~Postsecondary Education~~ Alabama Community College System shall  
26 attain tenured status upon the completion of six consecutive  
27 semesters, excluding summer terms, at the same two-year

1 institution, unless the president issues notice of termination  
2 to the teacher on or before ~~15 days~~ the fifteenth day of June  
3 prior to the end of the sixth consecutive semester of  
4 employment, excluding summer terms. No probationary teacher  
5 employed by a two-year educational institution operated under  
6 the authority and control of the ~~Department of Postsecondary~~  
7 ~~Education~~ Alabama Community College System shall attain tenure  
8 during or at the completion of a summer term. For teachers who  
9 are required to hold a professional educator's certificate,  
10 time in service without such a certificate shall not be  
11 credited toward the attainment of tenure.

12 "(2) A probationary classified employee who is not  
13 an employee of a two-year educational institution operated  
14 under the authority and control of the ~~Department of~~  
15 ~~Postsecondary Education~~ Alabama Community College System  
16 attains nonprobationary status upon the completion of three  
17 complete, consecutive school years of full-time employment  
18 with the same employer unless the governing body of the  
19 employer approves and issues written notice of termination to  
20 the employee on or before the fifteenth day of June  
21 immediately following the employee's third consecutive  
22 complete school year of employment. ~~In the first year of each~~  
23 ~~legislative quadrennium, the written notice shall be provided~~  
24 ~~on or before June 30.~~ For purposes of this chapter, a  
25 probationary classified employee whose employment or  
26 reemployment is effective prior to October 1 of the school  
27 year and who completes the school year shall be deemed to have

1 served a complete school year. A probationary classified  
2 employee of a two-year educational institution operated under  
3 the authority and control of the ~~Department of Postsecondary~~  
4 ~~Education~~ Alabama Community College System shall attain  
5 nonprobationary status upon the completion of 36 consecutive  
6 months of employment at the same two-year institution, unless  
7 the president issues notice of termination to the classified  
8 employee on or before ~~15 days~~ the fifteenth day of June prior  
9 to the end of the thirty-sixth month of employment.

10 "(3) All of the following additional terms,  
11 conditions, and limitations apply to the attainment and  
12 retention of tenure or nonprobationary status:

13 "a. Only complete school years of service as defined  
14 in this chapter, including any leave that is credited to the  
15 employee for such purposes under board policy or applicable  
16 law, may be credited to the attainment of tenure or  
17 nonprobationary status.

18 "b. Neither tenure nor nonprobationary status may be  
19 attained as a chief executive officer, a chief school  
20 financial officer, as a president or vice president of a  
21 two-year educational institution operated under the authority  
22 and control of the ~~Department of Postsecondary Education~~  
23 Alabama Community College System, or in or by virtue of  
24 employment in temporary, part-time, substitute, summer school,  
25 occasional, seasonal, supplemental, irregular, or like forms  
26 of employment, or in positions that are created to serve  
27 experimental, pilot, temporary, or like special programs,

1 projects, or purposes, the funding and duration of which are  
2 finite.

3 "c. Except as expressly provided to the contrary  
4 elsewhere in this chapter, neither tenure nor nonprobationary  
5 status in this chapter creates or confers any enforceable  
6 right or protected interest in or to a specific position,  
7 rank, work site or location, assignment, title, or rate of  
8 compensation within those categories of employment.

9 "d. Service performed as a teacher may not be  
10 converted to, recognized, or otherwise credited to the  
11 employee for the purpose of attaining nonprobationary status  
12 as a classified employee. Service performed in the capacity of  
13 a classified employee may not be converted to, recognized, or  
14 otherwise credited to the employee for the purpose of  
15 attaining tenure as a teacher, whether or not the classified  
16 employee holds a certificate issued by the State Department of  
17 Education.

18 "e. Neither tenured status nor time in probationary  
19 service shall be transferable from one employer subject to  
20 this chapter to another such employer, except that employees  
21 whose employer changes by virtue of annexation, school  
22 district formation, consolidation, or a similar reorganization  
23 over which the employee has no control shall retain tenure or  
24 nonprobationary status and service credit attained by virtue  
25 of employment with the predecessor employer.

26 "§16-24C-5.

1           "(a) Probationary classified employees who are not  
2 employees of a two-year educational institution operated under  
3 the authority and control of the ~~Department of Postsecondary~~  
4 ~~Education~~ Alabama Community College System may be terminated  
5 at the discretion of the employer upon written recommendation  
6 of the chief executive officer, a majority vote of the  
7 governing board, and issuance of written notice of termination  
8 to the employee at any time on or before the fifteenth day of  
9 June immediately following the employee's third consecutive,  
10 complete school year of employment. ~~In the first year of each~~  
11 ~~legislative quadrennium, the written notice shall be provided~~  
12 ~~on or before June 30.~~ A probationary classified employee of a  
13 two-year educational institution operated under the authority  
14 and control of the ~~Department of Postsecondary Education~~  
15 Alabama Community College System may be terminated at the  
16 discretion of the president of such institution upon issuance  
17 of a written notice of termination to the employee at any time  
18 on or before 15 days prior to the end of 36 consecutive months  
19 of employment at the same institution.

20           "(b) The compensation and benefits of a probationary  
21 classified employee shall not be terminated before the  
22 expiration of 15 calendar days from the date notice of  
23 termination is issued to the employee.

24           "(c) Probationary teachers who are not employees of  
25 a two-year educational institution operated under the  
26 authority and control of the ~~Department of Postsecondary~~  
27 ~~Education~~ Alabama Community College System may be terminated

1 at the discretion of the employer upon the written  
2 recommendation of the chief executive officer, a majority vote  
3 of the governing board, and issuance of written notice of  
4 termination to the teacher on or before the fifteenth day of  
5 June. ~~In the first year of each legislative quadrennium, the~~  
6 ~~written notice shall be provided on or before June 30.~~ A  
7 probationary teacher who has not been terminated on or before  
8 the dates specified above shall be deemed reemployed as a  
9 probationary teacher, except as provided in subdivision (1) of  
10 Section 16-24C-4. The employment of any probationary teacher  
11 may be terminated before the completion of the school year  
12 upon at least 30 calendar days' written notice of the date on  
13 which the governing board is scheduled to vote on such  
14 recommendation. Upon issuance of such notice, the teacher may  
15 submit a written statement to the chief executive officer and  
16 the governing board explaining why such action should not be  
17 taken. A probationary teacher employed by a two-year  
18 educational institution operated under the authority and  
19 control of the ~~Department of Postsecondary Education~~ Alabama  
20 Community College System may be terminated at the discretion  
21 of the president of such institution upon issuance of a  
22 written notice of termination to the employee at any time on  
23 or before 15 days prior to the end of the sixth consecutive  
24 semester of employment, excluding summer terms, at the same  
25 institution.

26 "(d) The decision to terminate the employment of any  
27 probationary employee shall be final and no compensation shall

1 thereafter be due to the employee, except as provided in  
2 subsection (b)."

3 Section 2. Any provision of law in conflict with the  
4 provisions of this Act are hereby repealed.

5 Section 3. If a court of competent jurisdiction  
6 shall adjudge to be invalid or unconstitutional any clause,  
7 sentence, paragraph, section or part of this Act, such  
8 judgment or decree shall not affect, impair, invalidate or  
9 nullify the remainder of this Act, but the effect thereof  
10 shall be confined to the clause, sentence, paragraph, section,  
11 part of this Act so adjudged to be invalid or  
12 unconstitutional.

13 Section 4. This act shall become effective upon its  
14 passage and approval by the Governor, or its otherwise  
15 becoming law, and contingent upon the constitutional amendment  
16 contained in HB \_\_\_\_\_ becomes law and approval in a statewide  
17 referendum as is provided for in law governing such election.