

1 SB234
2 209265-1
3 By Senators Roberts, Marsh, Livingston and Chesteen
4 RFD: Education Policy
5 First Read: 23-FEB-21

SYNOPSIS: Under existing law, procedures governing the tenure, discipline, and termination of faculty and staff employed by two-year educational institutions operated under the authority and control of the Alabama Community College System are provided by the Students First Act of 2011.

This bill would provide that faculty and staff of community and technical colleges under the purview of the Alabama Community College System, hired on or after August 1, 2021, would be subject to policies adopted by the Board of Trustees of the Alabama Community College System, and faculty and staff hired before August 1, 2021, would remain subject to the Students First Act of 2011.

A BILL
TO BE ENTITLED
AN ACT

1 Relating to the Alabama Community College System; to
2 amend Sections 16-60-111.4 and 16-60-111.7, Code of Alabama
3 1975; to subject faculty and staff of community and technical
4 colleges hired on or after August 1, 2021, to policies adopted
5 by the Board of Trustees of the Alabama Community College
6 System regarding tenure, discipline, and termination in lieu
7 of the Students First Act of 2011.

8 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

9 Section 1. Any provision of the Students First Act
10 of 2011, Chapter 24C of Title 16, Code of Alabama 1975, to the
11 contrary notwithstanding, the following shall apply to
12 community and technical colleges:

13 (1) Any faculty or staff member hired before August
14 1, 2021, shall remain subject to the Students First Act of
15 2011.

16 (2) Any faculty or staff member hired on or after
17 August 1, 2021, shall be subject to policies adopted by the
18 Board of Trustees of the Alabama Community College System
19 pursuant to Section 16-60-111.4, Code of Alabama 1975, in lieu
20 of the Students First Act of 2011. The policies shall provide
21 for tenure, discipline, termination, transfer, reassignment,
22 reductions-in-force, and other personnel actions as determined
23 by the board.

24 (3) The adopted policies shall provide for due
25 process rights to all employees hired after August 1, 2021,
26 who attain and retain tenure or nonprobationary status under
27 Alabama Community College System policies, and who are noticed

1 for termination for any reason other than reduction-in-force.
2 These due process rights will not be afforded to presidents,
3 vice presidents, or chief financial officers, however titled.
4 Due process shall include an appellate procedure before a
5 neutral decision maker appointed by the Chancellor.

6 Section 2. Sections 16-60-111.4 and 16-60-111.7 of
7 the Code of Alabama 1975, are amended to read as follows:

8 "§16-60-111.4.

9 "(a) The board shall be authorized to:

10 "(1) Make rules and regulations for the government
11 of community and technical colleges.

12 "(2) Prescribe for the community and technical
13 colleges the courses of study to be offered and the conditions
14 for granting certificates, diplomas, and degrees.

15 "(3) Appoint or terminate the employment of the
16 presidents of the community and technical colleges.

17 "(4) Direct the expenditure of legislative
18 appropriations of community and technical colleges including,
19 but not limited to, the allocation of the annual legislative
20 appropriation, as the board determines is in the best
21 interests of the Alabama Community College System.

22 "(5) Prescribe qualifications for faculty and
23 establish, publish, and maintain an annual salary schedule for
24 each community and technical college employee classification
25 and tenure requirements for faculty at community and technical
26 colleges.

1 "(6) Before August 1, 2021, establish comprehensive
2 policies relating to tenure, discipline, termination,
3 transfer, reassignment, reductions-in-force, and other
4 personnel actions as determined by the board. These policies
5 shall apply to faculty and staff hired on or after August 1,
6 2021, in lieu of the Students First Act of 2011.

7 "~~(6)~~(7) Accept gifts, donations, and devises and
8 bequests of money and real and personal property for the
9 benefit of community and technical colleges or any one of
10 them.

11 "~~(7)~~(8) Establish a performance-based allocation
12 process that is equitable and compatible with the services and
13 programs offered by each individual campus.

14 "(b) Any provision of law to the contrary
15 notwithstanding, employees of the Alabama Community College
16 System shall participate in the Teachers' Retirement System of
17 Alabama pursuant to Chapter 25 and the State ~~Employee's~~
18 Employees' Health Insurance Plan pursuant to Chapter 29, Title
19 36. Employees of community and technical colleges shall
20 participate in the Teachers' Retirement System of Alabama
21 pursuant to Chapter 25 and the Public Education Employees'
22 Health Insurance Plan pursuant to Chapter 25A or other
23 qualified health plans established pursuant to Section 1311 of
24 the federal Patient Protection and Affordable Care Act of
25 2010.

26 "§16-60-111.7.

1 ~~"The~~ Subject to Section 1 of the act adding this
2 amendatory language, presidents of the community and technical
3 colleges shall appoint the faculty and staff of the community
4 and technical colleges according to qualifications prescribed
5 by the board and such other regulations which may be adopted
6 by the board."

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