

1 HB247  
2 174032-3  
3 By Representatives McMillan, Collins, Baker, Shiver and Sells  
4 RFD: Education Policy  
5 First Read: 16-FEB-16

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8 SYNOPSIS: Under existing law the Alabama Community  
9 College System operates as a department of state  
10 government.

11 This bill would limit application of the  
12 Students First Act of 2011 to faculty and staff  
13 employed by community and technical colleges before  
14 January 1, 2017.

15 This bill would establish the Alabama  
16 Community College System as a body corporate under  
17 the laws of the state and grant corporate powers to  
18 the system that are similar to those held by the  
19 institutions of four-year institutions of higher  
20 education within the state.

21 This bill would authorize the Board of  
22 Trustees of the Alabama Community College System,  
23 within a time certain, to establish standards and  
24 procedures for the discipline and termination of  
25 employment of faculty and staff of the community  
26 and technical colleges.

1                   This bill would also provide certain powers  
2                   to the Board of Trustees of the Alabama Community  
3                   College System relating to the acquisition of and  
4                   disposition of property.

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6                   A BILL  
7                   TO BE ENTITLED  
8                   AN ACT

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10                  Relating to the Alabama Community College System; to  
11                  amend Sections 3, 4, and 5 of Act 2015-125, 2015 Regular  
12                  Session, now appearing as Sections 16-60-110.1, 16-60-111.4,  
13                  16-60-111.7, and 16-60-111.10, Code of Alabama 1975, so as to  
14                  limit application of the Students First Act of 2011 to faculty  
15                  and staff employed by community and technical colleges before  
16                  January 1, 2017; to provide for the operation of the system as  
17                  a body corporate; and to require the Board of Trustees of the  
18                  Alabama Community College System, by rules and regulations, on  
19                  or before January 1, 2017, to adopt procedures governing the  
20                  discipline and termination of faculty and staff employed by  
21                  community and technical colleges on or after January 1, 2017,  
22                  in lieu of the Students First Act.

23                  BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

24                  Section 1. Sections 3, 4, and 5 of Act 2015-125,  
25                  2015 Regular Session, now appearing as Sections 16-60-110.1,  
26                  16-60-111.4, 16-60-111.7, and 16-60-111.10 of the Code of  
27                  Alabama 1975, are amended to read as follows:

1                   "§16-60-110.1.

2                   "(a) There is created the Alabama Community College  
3                   System as a ~~department of state government~~ body corporate  
4                   under the name of the Alabama Community College System, which  
5                   shall replace and succeed to the duties of the Department of  
6                   Postsecondary Education and shall operate a system of  
7                   community and technical colleges within the state. All  
8                   references in state law to the Department of Postsecondary  
9                   Education, Postsecondary Education Department, and Alabama  
10                  College System, or terms of like import, shall be deemed to  
11                  refer to the Alabama Community College System. The body  
12                  corporate created by this subsection shall have all the  
13                  rights, privileges, and powers necessary to the end of its  
14                  creation.

15                  "(b) The Alabama Community College System shall be  
16                  governed by the Board of Trustees of the Alabama Community  
17                  College System, as created in this article for the purpose of  
18                  governing the community and technical colleges of the state.

19                  "(c) Any other law to the contrary notwithstanding,  
20                  the authority, powers, and duties assigned to the State Board  
21                  of Education with respect to the supervision, administration,  
22                  naming, financing, construction, and equipping of institutions  
23                  of postsecondary education, including community and technical  
24                  colleges, junior colleges, and trade schools, however  
25                  described, are removed from the State Board of Education and  
26                  delegated to the board, and all actions of such institutions  
27                  of postsecondary education requiring the approval of the State

1 Board of Education, commencing on May 12, 2015, shall require  
2 only approval of the board. Without limiting the generality of  
3 the foregoing, all references to the State Board of Education  
4 in Sections 16-3-37, 16-5-8.3, 16-5-13, 16-60-88, 16-60-330,  
5 16-60-332, 16-60-335, and 16-60-338, shall be deemed to refer  
6 to the board.

7 "§16-60-111.4.

8 "The board shall be authorized to:

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

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

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

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

21 "(5) Prescribe qualifications for faculty and  
22 establish an annual salary schedule and tenure requirements  
23 for faculty at community and technical colleges.

24 "(6) By rules and regulations, establish standards,  
25 policies, regulations, and procedures for the discipline and  
26 termination of employment of faculty and staff employed by  
27 community and technical colleges.

1           "~~(6)~~ (7) Accept gifts, donations, and devises and  
2 bequests of money and real and personal property for the  
3 benefit of community and technical colleges or any one of  
4 them.

5           "~~(7)~~ (8) Establish a performance-based allocation  
6 process that is equitable and compatible with the services and  
7 programs offered by each individual campus.

8           "§16-60-111.7.

9           "(a) For faculty and classified employees employed  
10 by the community and technical colleges before January 1,  
11 2017, the ~~The~~ presidents of the community and technical  
12 colleges shall appoint, supervise, and terminate the  
13 employment of members of the faculty and staff of the  
14 ~~community and technical colleges~~ according to qualifications  
15 and procedures prescribed by rules and regulations of the  
16 board, the Students First Act of 2011, and such other  
17 ~~regulations~~ rules and regulations which may be adopted by the  
18 board.

19           "(b) The Students First Act of 2011 to the contrary  
20 notwithstanding, for faculty and classified employees employed  
21 by the community and technical colleges on or after January 1,  
22 2017, the presidents of the community and technical colleges  
23 shall appoint, supervise, and terminate the employment of  
24 members of the faculty and staff according to qualifications  
25 and procedures prescribed by rules and regulations of the  
26 board and such other rules and regulations which may be  
27 adopted the board.

1           "(c) Subsection (b) to the contrary notwithstanding,  
2           any employee of the community and technical colleges who has  
3           attained tenured status under the Teacher Tenure Law or  
4           Students First Act of 2011, or nonprobationary status under  
5           the Fair Dismissal Act or the Students First Act of 2011 as of  
6           January 1, 2017, shall be deemed a tenured or nonprobationary  
7           employee and shall continue to be subject to the Students  
8           First Act of 2011.

9           "(d) Any employee of the community and technical  
10          colleges who has not attained tenured status under the Teacher  
11          Tenure Law or Students First Act of 2011, or nonprobationary  
12          status under the Fair Dismissal Act or the Students First Act  
13          of 2011, before January 1, 2017, shall be subject to the rules  
14          and regulations adopted by the board pursuant to this act  
15          relating to the attainment of tenure and nonprobationary  
16          status.

17          "(e) All employment actions and proceedings that  
18          have been initiated under the Teacher Tenure Law, the Fair  
19          Dismissal Act, or the Students First Act of 2011 that are  
20          pending on January 1, 2017, shall be completed under the  
21          statutory procedures that were in effect on the date the  
22          action or proceeding was commenced.

23                "§16-60-111.10.

24                "The board may acquire and hold, real and personal  
25          property and may lease, and rent, convey, and dispose of real  
26          and personal property and may make such repairs and  
27          improvements on all property under its control as may be for

1 the best interests of the community and technical colleges  
2 ~~and, subject to the approval of the Governor, may acquire,~~  
3 ~~sell, and convey title to real estate.~~ The board may make  
4 repairs and improvements on all property under its control as  
5 may be for the best interests of the community and technical  
6 colleges. All property held before May 12, 2015, by or for the  
7 benefit of any of the community and technical colleges of the  
8 state, whether held in the name of the board, the Alabama  
9 Community College System, the State Board of Education, or a  
10 community or technical college shall, without the necessity of  
11 any further conveyance, be owned by the Alabama Community  
12 College System and shall be controlled by the board. All real  
13 property acquired on and after May 12, 2015, for the benefit  
14 of community and technical colleges shall be acquired by and  
15 in the name of the Alabama Community College System. Personal  
16 property acquired after that date may be acquired in the name  
17 of the Alabama Community College System or of the community or  
18 technical college for whose benefit it is acquired."

19 Section 2. This act shall become effective  
20 immediately following its passage and approval by the  
21 Governor, or its otherwise becoming law.