

1 SB246
2 174032-3
3 By Senators Pittman and Marsh
4 RFD: Education and Youth Affairs
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

9
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.