

1 HB657  
2 140153-1  
3 By Representatives Henry, Buttram, Williams (P), Sessions,  
4 Mask, McClendon and Ford  
5 RFD: Education Policy  
6 First Read: 05-APR-12

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8 SYNOPSIS: Under existing law, each local board of  
9 education is required to adopt a reduction-in-force  
10 policy to objectively govern layoffs, recalls, and  
11 notifications of layoffs and recalls.

12 This bill would prohibit the consideration  
13 of certain credentials in making staffing  
14 decisions.

15 This bill would require the use by the board  
16 of a weighted determination of demonstrated  
17 effectiveness of an employee in advancing student  
18 achievement in making staffing decisions.

19 This bill would also provide for the  
20 temporary use of an interim reduction-in-force  
21 policy.

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23 A BILL  
24 TO BE ENTITLED  
25 AN ACT  
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1           To amend Section 16-1-33, Code of Alabama 1975,  
2 relating to written reduction in force policies adopted by  
3 local boards of education; to prohibit the consideration of  
4 certain credentials in making staffing decisions; to require  
5 the use of a weighted determination of demonstrated  
6 effectiveness of an employee in advancing student achievement  
7 in making staffing decisions; and to provide for the temporary  
8 use of an interim reduction-in-force policy.

9 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

10           Section 1. Section 16-1-33 of the Code of Alabama  
11 1975, is amended to read as follows:

12           "§16-1-33.

13           "(a) When used in this section, the following words  
14 shall have the following meanings:

15           "(1) BOARD. All public city and county boards of  
16 education, the Board of Trustees of the Alabama Institute for  
17 Deaf and Blind, the Alabama Youth Services Department District  
18 Board in its capacity as the Board of Education for the Youth  
19 Services Department District, the Board of Directors of the  
20 Alabama School of Fine Arts, and the Board of Trustees of the  
21 Alabama High School of Mathematics and Science.

22           "(2) EMPLOYEES. Employees or personnel of the board,  
23 except those employees covered under the state's Merit System  
24 and except those employees at the Alabama Industries for the  
25 Blind.

1           "(3) LAYOFF. An unavoidable reduction in the work  
2 force beyond normal attrition due to decreased student  
3 enrollment or shortage of revenues.

4           "(b) Each board shall adopt a written  
5 reduction-in-force policy consistent with Section 16-1-30. The  
6 policy shall include, but shall not be limited to, layoffs,  
7 recalls, and notifications of layoffs and recalls. The  
8 reduction-in-force policy of the board shall be based on  
9 objective criteria: consistent with all of the following:

10           "(1) The use of seniority, degrees, or credentials  
11 as a basis for making reduction-in-force, layoff, recall,  
12 retention, and other relevant staffing decisions is  
13 prohibited.

14           "(2) A board may not adopt or implement a  
15 reduction-in-force policy that uses length of service as the  
16 primary factor for instituting layoffs or any reduction in  
17 force. The primary factor shall be based on a weighted  
18 determination of demonstrated effectiveness of the employee in  
19 advancing student achievement. If necessary, an interim  
20 reduction-in-force policy may be implemented by a board  
21 pending adoption by the board of a procedure for evaluating  
22 the effectiveness of employees in advancing student  
23 achievement. An interim reduction-in-force policy shall  
24 include all of the following criteria:

25           "a. Individual employee performance as the most  
26 heavily weighted factor, at not less than 70 percent. Factors  
27 to consider in evaluating individual employee performance

1 shall include, but not be limited to, evidence of increased  
2 student achievement, demonstrated instructional skills, and  
3 preparation skills that maximize instructional time as  
4 assessed by the school principal, school administrators, or  
5 peers, or any of these, as appropriate.

6 "b. Significant or relevant, or both, contributions  
7 to the school including, but not limited to, the creation and  
8 implementation of a tutoring program or school enrichment  
9 program.

10 "c. Any record of misconduct, criminal conduct, or  
11 excessive unexcused absence from work."

12 Section 2. This act shall become effective on the  
13 first day of the third month following its passage and  
14 approval by the Governor, or its otherwise becoming law.