

1 SB550  
2 140973-1  
3 By Senator Brewbaker  
4 RFD: Education  
5 First Read: 24-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 seniority in making staffing decisions.

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

18  
19 A BILL

20 TO BE ENTITLED

21 AN ACT

22  
23 To amend Section 16-1-33, Code of Alabama 1975,  
24 relating to written reduction in force policies adopted by  
25 local boards of education; to prohibit the consideration of  
26 seniority in making staffing decisions; and to require the use  
27 of a weighted determination of demonstrated effectiveness of

1 an employee in advancing student achievement in making  
2 staffing decisions.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

4 Section 1. Section 16-1-33 of the Code of Alabama  
5 1975, is amended to read as follows:

6 "§16-1-33.

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

9 "(1) BOARD. All public city and county boards of  
10 education, the Board of Trustees of the Alabama Institute for  
11 Deaf and Blind, the Alabama Youth Services Department District  
12 Board in its capacity as the Board of Education for the Youth  
13 Services Department District, the Board of Directors of the  
14 Alabama School of Fine Arts, and the Board of Trustees of the  
15 Alabama High School of Mathematics and Science.

16 "(2) EMPLOYEES. Employees or personnel of the board,  
17 except those employees covered under the state's Merit System  
18 and except those employees at the Alabama Industries for the  
19 Blind.

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

23 "(b) Each board shall adopt a written  
24 reduction-in-force policy consistent with Section 16-1-30. The  
25 policy shall include, but shall not be limited to, layoffs,  
26 recalls, and notifications of layoffs and recalls. The

1 reduction-in-force policy of the board shall be based on  
2 objective criteria: consistent with all of the following:

3 "(1) The use of seniority as a basis for making  
4 reduction-in-force, layoff, recall, retention, and other  
5 relevant staffing decisions is prohibited.

6 "(2) A reduction-in-force policy shall include all  
7 of the following criteria:

8 "a. Individual employee performance as the most  
9 heavily weighted factor. Factors to consider in evaluating  
10 individual employee performance shall include, but not be  
11 limited to, evidence of employee performance, demonstrated  
12 instructional skills, and preparation skills that maximize  
13 instructional time as assessed by the school principal or  
14 school administrators, as appropriate.

15 "b. Significant or relevant, or both, contributions  
16 to the school.

17 "c. Degrees and credentials relevant to the mission  
18 or objective, or both, of the school may be considered.

19 "d. Any record of misconduct, criminal conduct, or  
20 excessive unexcused absence from work."

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