

1 HB353
2 147606-1
3 By Representatives Henry, McClurkin, Buttram, Sessions and
4 Williams (P)
5 RFD: Education Policy
6 First Read: 26-FEB-13

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8 SYNOPSIS: Under existing law, each local board of
9 education is required to adopt a written
10 reduction-in-force policy.

11 This bill would provide further for the
12 contents of a reduction-in-force policy.

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14 A BILL
15 TO BE ENTITLED
16 AN ACT

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18 To amend Section 16-1-33, Code of Alabama 1975,
19 relating to written reduction-in-force policies; to provide
20 further for the contents of the policies; to authorize the
21 State Superintendent of Education to develop a model policy;
22 and to require that each policy comply with antidiscrimination
23 laws.

24 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

25 Section 1. Section 16-1-33 of the Code of Alabama
26 1975, is amended to read as follows:

27 "§16-1-33.

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

3 "(1) BOARD. All public city and county boards of
4 education, the Board of Trustees of the Alabama Institute for
5 Deaf and Blind, the Alabama Youth Services Department District
6 Board in its capacity as the Board of Education for the Youth
7 Services Department District, the Board of Directors of the
8 Alabama School of Fine Arts, and the Board of Trustees of the
9 Alabama High School of Mathematics and Science.

10 "(2) EMPLOYEES. Employees or personnel of the board,
11 except those employees covered under the state's Merit System
12 and except those employees at the Alabama Industries for the
13 Blind.

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

17 "(b) Each board shall adopt a written
18 reduction-in-force policy consistent with Section 16-1-30. The
19 policy shall include, but shall not be limited to, layoffs,
20 recalls, and notifications of layoffs and recalls. The
21 reduction-in-force policy of the board shall be based on
22 objective criteria.

23 "(c) The reduction-in-force policy for instructional
24 employees shall be developed by the board in consultation with
25 teachers and administrators to ensure the primary objective of
26 the policy is to provide quality instruction to students. A

1 reduction-in-force policy shall comply with all of the
2 following:

3 "(1) Consideration of seniority by a board is
4 prohibited, except in the case of two equally rated employees.

5 "(2) Consideration of the degrees, credentials, and
6 pay scale location of an employee is prohibited. A board may
7 consider the primary subject area of an employee if the
8 subject area is considered by the board to be high priority or
9 hard to staff.

10 "(3) Individual employee performance ratings that
11 include objective evidence of increased student achievement
12 derived from an existing, or any succeeding, teacher or
13 administrator evaluation system adopted by the board shall be
14 the most heavily weighted factor, at least 50 percent, for
15 reduction-in-force determinations. If the individual employee
16 performance ratings of a board do not include objective
17 evidence of increased student achievement, the board shall use
18 the criteria provided in subdivision (4) for
19 reduction-in-force determinations. The criteria, in their
20 entirety, shall be weighted more than individual employee
21 performance ratings.

22 "(4) If employee performance ratings include
23 objective evidence of increased student achievement, the
24 reduction-in-force policy may also consider additional
25 criteria related to the impact of a teacher on classroom and
26 school achievement including, but not limited to, all of the
27 following:

1 "a. Demonstrated pedagogical skills.

2 "b. Classroom preparation and management skills that
3 maximize instructional time as assessed by the school
4 principal, school administrators, or peer evaluators, as
5 applicable.

6 "c. Significant or relevant contributions to the
7 school.

8 "d. Any record of misconduct, criminal conduct, or
9 excessive unexcused absences.

10 "(d) The State Superintendent of Education may
11 create a model reduction-in-force policy.

12 "(e) A reduction-in-force policy shall comply with
13 all state and federal antidiscrimination laws, rules, and
14 regulations."

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