

1 HB200
2 173508-1
3 By Representative Poole
4 RFD: Ways and Means Education
5 First Read: 11-FEB-16

2
3
4
5
6
7
8 SYNOPSIS: In order to provide for the implementation
9 of biennial budgeting periods, this bill changes
10 the dates of notice of non-renewal and of
11 non-tenure of teachers in the public schools of
12 Alabama. This bill is contingent upon the approval
13 in referendum of the constitutional amendment
14 proposed by HB. ____ providing for biennial
15 budgeting sessions of the legislature which is
16 approved at statewide referendum as provided for by
17 law.

18
19 A BILL
20 TO BE ENTITLED
21 AN ACT
22

23 To amend current state law changing the dates of
24 non-renewal and notice of non-tenure of teachers in the public
25 schools of Alabama.

26 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1 Section 1. Sections 16-24C-4 and 16-24C-5, Code of
2 Alabama 1975, are hereby amended to read as follows:

3 "§16-24C-4.

4 "No action may be proposed or approved based upon
5 personal or political reasons on the part of the employer,
6 chief executive officer, or governing board. A teacher shall
7 attain tenure, and a classified employee shall attain
8 nonprobationary status as follows:

9 "(1) Except as otherwise provided by Section
10 16-23-3, a teacher who is not an employee of a two-year
11 educational institution operated under the authority and
12 control of the Department of Postsecondary Education, shall
13 attain tenure upon the completion of three complete,
14 consecutive school years of full-time employment as a teacher
15 with the same employer unless the governing board approves and
16 issues written notice of termination to the teacher on or
17 before ~~the last day~~ June 15 of the teacher's third
18 consecutive, complete school year of employment. For purposes
19 of this chapter, a probationary teacher whose employment or
20 reemployment is effective prior to October 1 of the school
21 year and who completes the school year shall be deemed to have
22 served a complete school year. A teacher employed by a
23 two-year educational institution operated under the authority
24 and control of the Department of Postsecondary Education shall
25 attain tenured status upon the completion of six consecutive
26 semesters, excluding summer terms, at the same two-year
27 institution, unless the president issues notice of termination

1 to the teacher on or before 15 days prior to the end of the
2 sixth consecutive semester of employment, excluding summer
3 terms. No probationary teacher employed by a two-year
4 educational institution operated under the authority and
5 control of the Department of Postsecondary Education shall
6 attain tenure during or at the completion of a summer term.
7 For teachers who are required to hold a professional
8 educator's certificate, time in service without such a
9 certificate shall not be credited toward the attainment of
10 tenure.

11 "(2) A probationary classified employee who is not
12 an employee of a two-year educational institution operated
13 under the authority and control of the Department of
14 Postsecondary Education attains nonprobationary status upon
15 the completion of three complete, consecutive school years of
16 full-time employment with the same employer unless the
17 governing body of the employer approves and issues written
18 notice of termination to the employee on or before the
19 fifteenth day of June immediately following the employee's
20 third consecutive complete school year of employment. ~~In the~~
21 ~~first year of each legislative quadrennium, the written notice~~
22 ~~shall be provided on or before June 30.~~ For purposes of this
23 chapter, a probationary classified employee whose employment
24 or reemployment is effective prior to October 1 of the school
25 year and who completes the school year shall be deemed to have
26 served a complete school year. A probationary classified
27 employee of a two-year educational institution operated under

1 the authority and control of the Department of Postsecondary
2 Education shall attain nonprobationary status upon the
3 completion of 36 consecutive months of employment at the same
4 two-year institution, unless the president issues notice of
5 termination to the classified employee on or before 15 days
6 prior to the end of the thirty-sixth month of employment.

7 "(3) All of the following additional terms,
8 conditions, and limitations apply to the attainment and
9 retention of tenure or nonprobationary status:

10 "a. Only complete school years of service as defined
11 in this chapter, including any leave that is credited to the
12 employee for such purposes under board policy or applicable
13 law, may be credited to the attainment of tenure or
14 nonprobationary status.

15 "b. Neither tenure nor nonprobationary status may be
16 attained as a chief executive officer, a chief school
17 financial officer, as a president or vice president of a
18 two-year educational institution operated under the authority
19 and control of the Department of Postsecondary Education, or
20 in or by virtue of employment in temporary, part-time,
21 substitute, summer school, occasional, seasonal, supplemental,
22 irregular, or like forms of employment, or in positions that
23 are created to serve experimental, pilot, temporary, or like
24 special programs, projects, or purposes, the funding and
25 duration of which are finite.

26 "c. Except as expressly provided to the contrary
27 elsewhere in this chapter, neither tenure nor nonprobationary

1 status in this chapter creates or confers any enforceable
2 right or protected interest in or to a specific position,
3 rank, work site or location, assignment, title, or rate of
4 compensation within those categories of employment.

5 "d. Service performed as a teacher may not be
6 converted to, recognized, or otherwise credited to the
7 employee for the purpose of attaining nonprobationary status
8 as a classified employee. Service performed in the capacity of
9 a classified employee may not be converted to, recognized, or
10 otherwise credited to the employee for the purpose of
11 attaining tenure as a teacher, whether or not the classified
12 employee holds a certificate issued by the State Department of
13 Education.

14 "e. Neither tenured status nor time in probationary
15 service shall be transferable from one employer subject to
16 this chapter to another such employer, except that employees
17 whose employer changes by virtue of annexation, school
18 district formation, consolidation, or a similar reorganization
19 over which the employee has no control shall retain tenure or
20 nonprobationary status and service credit attained by virtue
21 of employment with the predecessor employer.

22 "§16-24C-5.

23 "(a) Probationary classified employees who are not
24 employees of a two-year educational institution operated under
25 the authority and control of the Department of Postsecondary
26 Education may be terminated at the discretion of the employer
27 upon written recommendation of the chief executive officer, a

1 majority vote of the governing board, and issuance of written
2 notice of termination to the employee at any time on or before
3 the fifteenth day of June immediately following the employee's
4 third consecutive, complete school year of employment. ~~In the~~
5 ~~first year of each legislative quadrennium, the written notice~~
6 ~~shall be provided on or before June 30.~~ A probationary
7 classified employee of a two-year educational institution
8 operated under the authority and control of the Department of
9 Postsecondary Education may be terminated at the discretion of
10 the president of such institution upon issuance of a written
11 notice of termination to the employee at any time on or before
12 15 days prior to the end of 36 consecutive months of
13 employment at the same institution.

14 "(b) The compensation and benefits of a probationary
15 classified employee shall not be terminated before the
16 expiration of 15 calendar days from the date notice of
17 termination is issued to the employee.

18 "(c) Probationary teachers who are not employees of
19 a two-year educational institution operated under the
20 authority and control of the Department of Postsecondary
21 Education may be terminated at the discretion of the employer
22 upon the written recommendation of the chief executive
23 officer, a majority vote of the governing board, and issuance
24 of written notice of termination to the teacher on or before
25 the fifteenth day of June. ~~In the first year of each~~
26 ~~legislative quadrennium, the written notice shall be provided~~
27 ~~on or before June 30.~~ A probationary teacher who has not been

1 terminated on or before the dates specified above shall be
2 deemed reemployed as a probationary teacher, except as
3 provided in subdivision (1) of Section 16-24C-4. The
4 employment of any probationary teacher may be terminated
5 before the completion of the school year upon at least 30
6 calendar days' written notice of the date on which the
7 governing board is scheduled to vote on such recommendation.
8 Upon issuance of such notice, the teacher may submit a written
9 statement to the chief executive officer and the governing
10 board explaining why such action should not be taken. A
11 probationary teacher employed by a two-year educational
12 institution operated under the authority and control of the
13 Department of Postsecondary Education may be terminated at the
14 discretion of the president of such institution upon issuance
15 of a written notice of termination to the employee at any time
16 on or before 15 days prior to the end of the sixth consecutive
17 semester of employment, excluding summer terms, at the same
18 institution.

19 "(d) The decision to terminate the employment of any
20 probationary employee shall be final and no compensation shall
21 thereafter be due to the employee, except as provided in
22 subsection (b)."

23 Section 2. Any provision of law in conflict with the
24 provisions of this Act are hereby repealed.

25 Section 3. If a court of competent jurisdiction
26 shall adjudge to be invalid or unconstitutional any clause,
27 sentence, paragraph, section or part of this Act, such

1 judgment or decree shall not affect, impair, invalidate or
2 nullify the remainder of this Act, but the effect thereof
3 shall be confined to the clause, sentence, paragraph, section,
4 part of this Act so adjudged to be invalid or
5 unconstitutional.

6 Section 4. This act shall become effective upon its
7 passage and approval by the Governor, or its otherwise
8 becoming law, and contingent upon the constitutional amendment
9 contained in HB _____ becomes law and approval in a statewide
10 referendum as is provided for in law governing such election.