

1 SB353  
2 156779-1  
3 By Senator Marsh  
4 RFD: Finance and Taxation Education  
5 First Read: 13-FEB-14

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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.

13  
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 public education reduction-in-force policies; to  
20 provide further for the contents of the policies; to specify  
21 what are to be considered significant factors; and to require  
22 that each policy comply with antidiscrimination laws.

23 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

24 Section 1. The Legislature finds that the State  
25 Department of Education is in the process of developing an  
26 annual teacher and administrator performance evaluation  
27 system, for implementation beginning with the 2015-2016

1 academic year, which includes objective measures of student  
2 academic growth as a significant factor. The Legislature  
3 further finds that such an evaluation system is absolutely  
4 essential for the protection of quality education whenever a  
5 reduction-in-force occurs.

6 Section 2. Section 16-1-33 of the Code of Alabama  
7 1975, is amended to read as follows:

8 "§16-1-33.

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

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

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

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

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

1 recalls, and notifications of layoffs and recalls. The  
2 reduction-in-force policy of the board shall be based on  
3 objective criteria.

4 "(c) The reduction-in-force policy for teachers  
5 shall be developed by the board in consultation with teachers  
6 and administrators consistent with Section 16-1-30, to ensure  
7 the primary objective of the policy is to provide quality  
8 instruction to students.

9 "(d) By the 2015-2016 academic year, a  
10 reduction-in-force policy may not include seniority as the  
11 most significant factor.

12 "(e) By the 2016-2017 academic year, or by the first  
13 academic year for which evaluation results include the most  
14 statistically reliable measures of student growth that are  
15 available, whichever occurs later, a reduction-in-force policy  
16 shall comply with all of the following:

17 "(1) An employee's demonstrated experience in  
18 providing quality instruction to students shall be a  
19 significant factor, as documented in the employee's annual  
20 performance evaluation reports under an evaluation system  
21 adopted by the State Board of Education, or a locally adopted  
22 evaluation system which complies with the evaluation framework  
23 established by the State Board of Education and includes  
24 measures of student growth. Seniority is not itself a  
25 substitute for or indicator of experience in providing quality  
26 instruction.

1           "(2) An employee's degree may be considered as a  
2 factor if it is an advanced degree in the subject matter the  
3 employee is certified to teach, or, in the case of elementary  
4 school teachers, an advanced degree in early childhood  
5 education or development.

6           "(3) A reduction-in-force policy may not include  
7 seniority as the most significant factor.

8           "(4) An employee's salary may not have any bearing  
9 on a reduction-in-force decision.

10           "(f) A reduction-in-force policy shall comply with  
11 all state and federal antidiscrimination laws, rules, and  
12 regulations."

13           Section 3. This act shall become effective  
14 immediately following its passage and approval by the  
15 Governor, or its otherwise becoming law.