

1 HB47  
2 179140-1  
3 By Representative Poole  
4 RFD: Ways and Means Education  
5 First Read: 16-AUG-16

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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.