

1 SB128  
2 203253-2  
3 By Senators Roberts, Marsh, Livingston and Sessions  
4 RFD: Education Policy  
5 First Read: 04-FEB-20

2  
3  
4 ENGROSSED

5  
6  
7 A BILL  
8 TO BE ENTITLED  
9 AN ACT

10  
11 Relating to the Alabama Community College System; to  
12 amend Sections 16-60-111.4 and 16-60-111.7, Code of Alabama  
13 1975; to subject faculty and staff of community and technical  
14 colleges hired on or after June 1, 2020, to policies adopted  
15 by the Board of Trustees of the Alabama Community College  
16 System regarding tenure, discipline, and termination in lieu  
17 of the Students First Act of 2011.

18 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

19 Section 1. Any provision of the Students First Act  
20 of 2011, Chapter 24C of Title 16, Code of Alabama 1975, to the  
21 contrary notwithstanding, the following shall apply to  
22 community and technical colleges:

23 (1) Any faculty or staff member hired before June 1,  
24 2020, shall remain subject to the Students First Act of 2011.

25 (2) Any faculty of staff member hired on or after  
26 June 1, 2020, shall be subject to policies adopted by the  
27 Board of Trustees of the Alabama Community College System

1 pursuant to Section 16-60-111.4, Code of Alabama 1975, in lieu  
2 of the Students First Act of 2011. The policies shall provide  
3 for tenure, discipline, termination, transfer, reassignment,  
4 reductions-in-force, and other personnel actions as determined  
5 by the board.

6 (3) The policies to be adopted shall provide for due  
7 process rights to all employees hired after August 1, 2020,  
8 who attain and retain tenure or non-probationary status under  
9 ACCS policies, and who are noticed for termination for any  
10 reason other than reduction-in-force; provided, however that  
11 any such due process rights will not be afforded to  
12 Presidents, Vice-Presidents or Chief Financial Officers,  
13 however titled. Such due process shall include an appellate  
14 procedure before a neutral decision maker appointed by the  
15 Chancellor.

16 Section 2. Sections 16-60-111.4 and 16-60-111.7 of  
17 the Code of Alabama 1975, are amended to read as follows:

18 "§16-60-111.4.

19 "(a) The board shall be authorized to:

20 "(1) Make rules and regulations for the government  
21 of community and technical colleges.

22 "(2) Prescribe for the community and technical  
23 colleges the courses of study to be offered and the conditions  
24 for granting certificates, diplomas, and degrees.

25 "(3) Appoint or terminate the employment of the  
26 presidents of the community and technical colleges.

1           "(4) Direct the expenditure of legislative  
2 appropriations of community and technical colleges including,  
3 but not limited to, the allocation of the annual legislative  
4 appropriation, as the board determines is in the best  
5 interests of the Alabama Community College System.

6           "(5) Prescribe qualifications for faculty and  
7 establish, publish, and maintain an annual salary schedule for  
8 each community and technical college employee classification  
9 and tenure requirements for faculty at community and technical  
10 colleges.

11           "(6) Before June 1, 2020, establish comprehensive  
12 policies relating to tenure, discipline, termination,  
13 transfer, reassignment, reductions-in-force, and other  
14 personnel actions as determined by the board. These policies  
15 shall apply to faculty and staff hired on or after June 1,  
16 2020, in lieu of the Students First Act of 2011.

17           "~~(6)~~(7) Accept gifts, donations, and devises and  
18 bequests of money and real and personal property for the  
19 benefit of community and technical colleges or any one of  
20 them.

21           "~~(7)~~(8) Establish a performance-based allocation  
22 process that is equitable and compatible with the services and  
23 programs offered by each individual campus.

24           "(b) Any provision of law to the contrary  
25 notwithstanding, employees of the Alabama Community College  
26 System shall participate in the Teachers' Retirement System of  
27 Alabama pursuant to Chapter 25 and the State Employee's Health

1 Insurance Plan pursuant to Chapter 29, Title 36. Employees of  
2 community and technical colleges shall participate in the  
3 Teachers' Retirement System of Alabama pursuant to Chapter 25  
4 and the Public Education Employees' Health Insurance Plan  
5 pursuant to Chapter 25A or other qualified health plans  
6 established pursuant to Section 1311 of the federal Patient  
7 Protection and Affordable Care Act of 2010.

8 "§16-60-111.7.

9 ~~"The~~ Subject to Section 1 of the act adding this  
10 amendatory language, presidents of the community and technical  
11 colleges shall appoint the faculty and staff of the community  
12 and technical colleges according to qualifications prescribed  
13 by the board and such other regulations which may be adopted  
14 by the board."

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

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
  
11  
12  
13  
14  
15  
16  
17

Senate

Read for the first time and referred to the Senate  
committee on Education Policy..... 04-FEB-20

Read for the second time and placed on the calen-  
dar 1 amendment..... 05-MAR-20

Read for the third time and passed as amended .... 12-MAR-20

Yeas 31  
Nays 0

Patrick Harris,  
Secretary.