

Students First Act

Legislative Summary

- Repeals and replaces Alabama's flawed and costly Teacher Tenure Act (teachers) & Fair Dismissal Act (support/two-year college personnel)
- Incorporates all school & two-year college employees under a single Act
- Adds a performance measure as a basis for dismissal for teachers by expressly including consistent or pervasive inadequate student achievement as a statutory basis
- Immediately stops salary and benefits upon termination by Board/president action
- Removes discretion from hearing officers and properly returns authority to employers
- Eliminates expensive and time-consuming challenges to routine employment decisions like transfers and short-term suspensions
- Clarifies that employees cannot contest layoffs and transfers caused by reductions in force (RIFs)

Teacher Tenure Act/Fair Dismissal Act vs. Students First Act

	TTA/FDA	Students First
Employees covered	Separate statutes for teachers and support/2 year college employees	One statute for all
Termination of Probationary Employees	Teachers not addressed; 15 days' notice for support	30 days' notice for professionals; 15 days' notice for support
Nonprobationary Status	Teachers tenured after 3 consecutive years, including partial years; support tenured after 3 consecutive or nonconsecutive calendar years	For school board employees, 3 full consecutive school years For two year college employees, 6 complete consecutive semesters
Tenure Entitlement	Tenured as teacher, supervisor or in classified position	Protection limited to status as nonprobationary professional or nonprobationary support employee
Hearing	Board conference (optional)	Full hearing (required)
Grounds for Termination of Nonprobationary Personnel	decrease in positions, incompetency, insubordination, neglect of duty, immorality, failure to perform duties or other good and just cause	Adds inadequate student achievement as for professionals
Decision maker	Hearing Officer appointed by Federal Mediation & Conciliation Service (Washington DC)	Employers: Local board/Two-year college president
Termination/	Effective only after hearing officer	Effective immediately

Suspensions	rules on action	
Pay	Pay continues after termination until hearing officer rules	Pay stops at termination; back pay if appeal successful
Appeal	No automatic right to appeal	Right to appeal
Employer Decision	No weight	Substantial weight
Appeal venue	Court of Civil Appeals	Circuit Court
Costs	Hearing officer and court reporter covered by SDE	Court reporter covered by SDE
Attorneys fees	Not recoverable	Recoverable on successful appeal with finding that action was taken with malice or ill-will
Reduction in Force	Unclear if covered	Not contestable
Partial Terminations	Contestable under same procedure as full termination	Not contestable
Transfers	Contestable for change in position, grade or school	Covered only in limited circumstances
Suspensions	Any suspension	Only suspensions over 45 days are covered
Denial of hearing	Direct appeal to administrative law judge	Direct appeal to administrative law judge
Criminal Charges/Stay	Stay of termination proceedings if criminal charges are pending	No stay allowed; Testimony cannot be used in criminal proceedings
Criminal Convictions	Right to full termination hearing only after criminal stay lifted	Immediate termination upon conviction for certain crimes (2010 Fincher Act)
Loss of Certification	Right to full termination hearing	Summary termination
Resignations	Prohibited in the 45 days before the start of school	Prohibited in the 30 days before the start of school