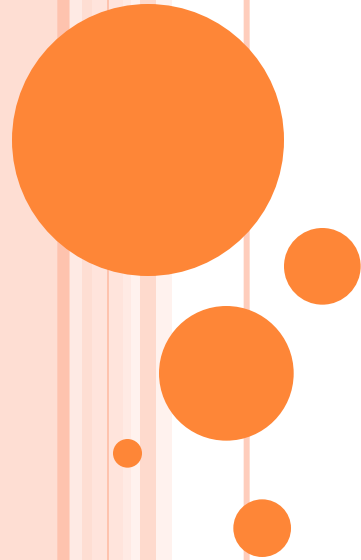


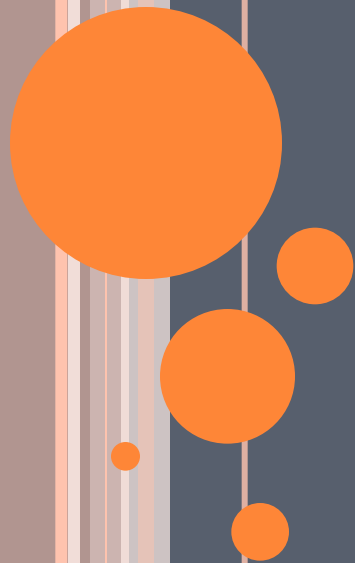
STUDENTS FIRST ACT OF 2011

**ALABAMA ASSOCIATION OF SCHOOL BOARDS/
ALABAMA COUNCIL OF SCHOOL BOARD ATTORNEYS
SUMMER CONFERENCE 2011**



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MAJOR CHANGES



MAJOR CHANGES

- Repeals the Teacher Tenure Act and Fair Dismissal Act
- Returns discretion to local boards
- Reduces payroll time for terminated employees
- Changes process for terminations & transfers
- Exempts RIFs and partial cancellations
- Eliminates criminal stays



WHO'S COVERED?

Teacher Tenure Act/ Fair Dismissal Act

- Instructor, supervisor or principal
- Classified employees

Students First Act

- Teacher
 - Any employee required to have certificate
 - Includes tenured principals
- Classified employee
 - Bus drivers
 - Cafeteria workers
 - Custodians
 - Supervisors (non-certificated)
- Superintendents and CSFOs are excluded



GAINING PROTECTION

Teacher Tenure Act/ Fair Dismissal Act

- Teachers
 - 3 consecutive years, including partial
 - Nonrenewal by last day of 3rd year
- Classified Employees
 - 3 calendar years
 - Not consecutive

Students First Act

- Teacher
 - 3 consecutive, complete years
 - Oct 1 - complete year
 - Notice by June 15 in years 1 and 2
 - June 30 if quadrennium
 - Notice by last day of school in year 3
- Classified employee
 - 3 consecutive, complete years
 - Oct 1- complete year
 - Notice by June 15
 - June 30 if quadrennium





TERMINATIONS

TERMINATION OF PROBATIONARY EMPLOYEES

Teacher Tenure Act/ Fair Dismissal Act

- Teachers
 - Not addressed
 - Due process
 - Recommendation & vote
- Classified Employees
 - Recommendation & vote
 - 3 year anniversary
 - 15 days' notice (pay)

Students First Act

- Teacher
 - During the year
 - 30 days' notice of recommendation
 - Teacher can give written statement
 - Board votes, pay ends
 - End of the year
 - Recommendation and vote
 - June 15 (or 30th) in year 2
 - Last day of school in year 3
- Classified employee
 - Recommendation & vote
 - Prior to June 15 (or 30th) of 3rd consecutive year
 - 15 days' notice (pay)



TERMINATION OF TENURED/NONPROBATIONARY EMPLOYEES


Teacher Tenure Act/ Fair Dismissal Act

○ Grounds

- justifiable decrease in the number of positions
- incompetency
- insubordination
- neglect of duty
- immorality
- failure to perform duties in a satisfactory manner
- other good and just cause

Students First Act

○ Grounds

- justifiable decrease in the number of positions
 - incompetency
 - insubordination
 - neglect of duty
 - immorality
 - failure to perform duties in a satisfactory manner
 - other good and just cause
- 

TERMINATION OF TENURED/NONPROBATIONARY EMPLOYEES

Teacher Tenure Act/ Fair Dismissal Act

- Notice of recommendation
- Board conference (optional)
- Board vote
- Contest
- Federal Mediation & Conciliation Service
- Full hearing
- Decision
- Appeal with CCA approval

Students First Act

- Notice of recommendation
- Full Board hearing
- Board vote
- Contest
- Retired Alabama judge
- Hearing
- Decision
- Right to CCA appeal



TERMINATION OF TENURED/NONPROBATIONARY EMPLOYEES

Teacher Tenure Act/ Fair Dismissal Act

- Decision
 - No weight given to board
- Pay continues
 - Average of 271 days from vote to decision

Students First Act

- Decision
 - Deference to board
- Pay continues
 - 75 days or until decision, whichever is first





TRANSFER OF TENURED TEACHERS

REASSIGNMENT OF TEACHERS SAME SCHOOL/SAME PAY

Teacher Tenure Act

- Change in grade or position
- Recommendation to board
- Notice to teacher
- Full hearing before board
- Board vote
- Federal Mediation & Conciliation Service
- Hearing
- Decision
- No right to appeal

Students First Act

- Change in grade or position
- Superintendent decision
- Notice to teacher
- Within first 20 days of school
- Once a year
- Qualified
- Not subject to review
- ***Board approval not required**



TRANSFER OF TEACHERS DIFFERENT SCHOOL/SAME PAY (WITHIN FEEDER PATTERN)

Teacher Tenure Act

- Change in grade or position
- Recommendation to board
- Notice to teacher
- Full hearing before board
- Board vote
- Federal Mediation & Conciliation Service
- Hearing
- Decision
- No right to appeal

Students First Act

- Change in grade or position
- Notice to teacher
- Conference
- Recommendation & vote
- Within first 20 days of school
- Once a year
- Qualified
- Not subject to review



TRANSFER OF TEACHERS DIFFERENT SCHOOL/SAME PAY (OUTSIDE FEEDER PATTERN)

Teacher Tenure Act

- Change in grade or position
- Recommendation to board
- Notice to teacher
- Full hearing before board
- Board vote
- Federal Mediation & Conciliation Service
- Hearing
- Decision
- No right to appeal

Students First Act

- Change in grade or position
- Notice to teacher
- Board hearing
- Recommendation & vote
- Within first 20 days of school
- Once a year
- Not subject to review





**TRANSFER OF
NONPROBATIONARY CLASSIFIED
EMPLOYEES**

TRANSFER OF NONPROBATIONARY CLASSIFIED EMPLOYEES DIFFERENT WORKSITE/SAME PAY (WITHIN FEEDER PATTERN)

Fair Dismissal Act

- Change in position or location
- Recommendation & vote
- Notice to employee
- Federal Mediation & Conciliation Service
- Full Hearing
- Decision
- No right to appeal

Students First Act

- Change in position or location
- Notice to employee
- Recommendation & vote
- Effective 15 days after vote
- Once a year
- Not subject to review



TRANSFER OF NONPROBATIONARY CLASSIFIED EMPLOYEES DIFFERENT WORKSITE/SAME PAY (OUTSIDE FEEDER PATTERN)

Fair Dismissal Act

- Change in position or location
- Recommendation & vote
- Notice to employee
- Federal Mediation & Conciliation Service
- Full Hearing
- Decision
- No right to appeal

Students First Act

- Change in position or location
- Same rights as termination





TRANSFERS

REDUCED PAY/SHORTER TERM

TRANSFER OF PROBATIONARY EMPLOYEES REDUCED PAY/SHORTER TERM

Teacher Tenure Act/ Fair Dismissal Act

- No provision

Students First Act

- Notice of impact on pay
- Right to object in writing
- Recommendation & vote
- Effective 15 days after vote
- No review



TRANSFER OF NONPROBATIONARY EMPLOYEES REDUCED PAY/SHORTER TERM

Teacher Tenure Act/ Fair Dismissal Act

- Full termination rights for partial cancellation of contract
- Full termination rights for transfer

Students First Act

- Same procedure as termination
- Does not cover actions based on RIF





REDUCTION IN FORCE/ PARTIAL CANCELLATION

REDUCTION IN FORCE/ PARTIAL CANCELLATION

Teacher Tenure Act/ Fair Dismissal Act

- Partial terminations
 - Same procedure as termination
- Actions due to RIF
 - Unclear if covered

Students First Act

- Partial terminations
 - No longer covered
 - Prospective
 - Recommendation & vote
 - Similarly situated employees
- Actions due to RIF
 - No longer covered
 - Comply with policy



The left side of the slide features a decorative vertical band with a gradient from dark blue to light beige, overlaid with several thin, parallel vertical lines. To the right of this band, there is a cluster of five orange circles of varying sizes, arranged in a roughly circular pattern.

SUSPENSIONS

SUSPENSION OF EMPLOYEES

Teacher Tenure Act/ Fair Dismissal Act

- 7 days or less
 - Notice
 - Conference (optional)
 - Recommendation & vote
 - Federal Mediation and Conciliation Service
 - Decision
 - Suspension Effective
- 8 days or more
 - Same as termination
 - Decision
 - Suspension Effective

Students First Act

- 20 days or less
 - Notice
 - Conference
 - Recommendation & vote
 - Effective immediately
- More than 20 days
 - Same as termination
 - Pay cutoff 75 days or decision, whichever comes first





OTHER IMPORTANT CHANGES

OTHER CHANGES

Teacher Tenure Act/ Fair Dismissal Act

- Criminal stays
- Pay cutoff immediately
 - Only classified
 - Only moral turpitude

Students First Act

- No criminal stays
- Pay cutoff immediately
 - All employees
 - Moral turpitude
 - Immorality
 - Abandonment of job
 - Incarceration
 - Neglect of duty



LOSS OF CERTIFICATION

Teacher Tenure Act

- Full termination hearing

Students First Act

- Summarily terminated



NOTICE TO EMPLOYEES

Teacher Tenure Act/ Fair Dismissal Act

- Notice to employee
 - Upon receipt by employee
 - Burden on board

Students First Act

- Notice to employee
 - Notice deemed received within 2 days of mailing
 - Board has burden to demonstrate mailing
 - Employee has burden to show improper service



TEACHER RESIGNATION

Teacher Tenure Act

- No resignation within 45 days of school

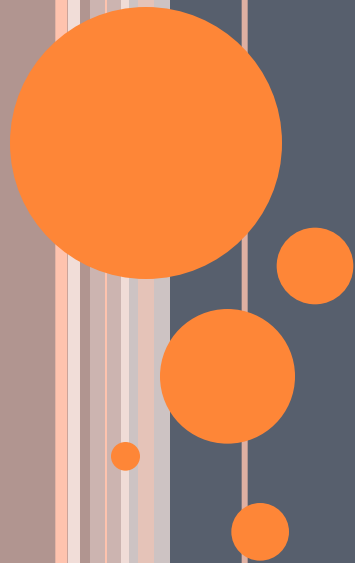
Students First Act

- No resignation within 30 days of school



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QUESTIONS???



THANK YOU FOR LISTENING!