

Personnel Hearing FAQs

These FAQs are designed to support school board members as they navigate through the personnel hearing process. As always, please work closely with your local counsel for legal advice.

Q: What is a personnel hearing?

A personnel hearing is formal due-process proceeding held before a school board, triggered when an employee asserts their right to contest a proposed termination or certain suspensions or transfers that qualify for hearing protections under the Students First Act.

Q: Is a board hearing and board conference the same thing?

No. A board hearing requires full due process (typically involving witnesses and exhibits), whereas a board conference only requires minimum due process (typically involving an opportunity to be heard).

Q: Which employees can request a hearing?

Below is a chart showing which employees can request a full evidentiary hearing (appealable) before the board and for what employment actions.

HEARINGS	
ACTION	EMPLOYEE
Termination	Nonprobationary Classified Employees and Tenured Teachers
Suspension for more than 20 days	All Employees
Transfer with same pay but outside of feeder pattern	Nonprobationary Classified Employees
Transfer with reduced pay	Nonprobationary Classified Employees and Tenured Teachers



When dealing with the termination of a tenured teacher or non-probationary classified employee, what notice must the superintendent provide to the employee?

The superintendent must provide a written notice including statutory grounds for the proposed termination, a short and plain statement of the facts, and information about the employee's hearing rights and deadlines.



How must notice be given to the employee?

Notice must be given by certified mail, overnight mail, or hand delivery to the employee.



How long does an employee have to request a hearing?

The employee must request a hearing in writing within 15 calendar days of receiving written notice.



What happens if an employee does not request a hearing within 15 calendar days?

If the employee fails to timely file his request for a hearing, the board is allowed to proceed and vote on the superintendent's proposed recommendation without conducting the hearing.



What happens if an employee does request a hearing within 15 calendar days?

If the employee timely requests a hearing, the superintendent must schedule the hearing no earlier than 30 calendar days and no later than 60 calendar days from issuing written notice of the hearing to the employee.



Can the hearing be rescheduled?

Yes. The board hearing can be rescheduled only by agreement of the parties or for other good cause.



At the hearing, who bears the burden of proof on disputed issues of material fact?

The superintendent bears the burden of proof, based on the information compiled by the administration to support the superintendent's recommendation.



What is the employee allowed to offer in opposition to the superintendent's recommendation at the hearing?

The employee is allowed the opportunity to present relevant testimony, evidence, argument, and may cross-examine witnesses called by the superintendent to support the recommendation.



Can the employee hire an attorney to represent him at the hearing?

Yes. The employee has the right to hire legal counsel at his expense.



Does a court reporter need to be present at the hearing?

Yes. The law states that a court reporter must record the proceedings.



Who must pay for the court reporter?

The court reporter must be provided at the expense of the State Department of Education. The board of education initially pays for the court reporter and later submits a reimbursement request for the cost to the State Department.



Are hearings public or private?

They can be either. Hearings may be public or private at the election of the employee.



Is it permissible for a board member to conduct an investigation outside of the hearing?

No. Board members should not investigate or deliberate matters outside of the hearing process. It is the board member's responsibility to remain unbiased and to protect the process from any outside influences or information. If a board member receives information on the matter from other sources, he should recuse himself from the hearing to avoid jeopardizing the integrity of the board's decision.



Following the hearing, when does the superintendent have to issue notice to the employee regarding the board's decision?

The superintendent must provide notice in writing to the employee regarding the board's decision within 10 calendar days after the vote of the board. The notice is also required to inform the employee of the right to contest the board's decision by filing an appeal.



Is the employee allowed to appeal the hearing decision?

Yes. An employee may file a written notice of appeal to the State Superintendent of Education within 15 days of receiving the board's decision.



What does the employee's notice of appeal have to include?

The employee's notice of appeal must be in writing, and it must include the reasons for the appeal.



What happens to the employee's appeal after he files it?

After the employee submits his appeal, the State Superintendent sends the appeal to the Executive Director of the Alabama State Bar. The Executive Director then selects a panel of neutral hearing officers and administers the process for choosing the hearing officer for the appeal.



Does the employee need to provide a copy of the notice of his appeal to the school system?

Yes. The employee must serve a copy of the appeal notice to the superintendent of the school system. The copy must be provided at the same time the appeal is filed.



What must the school system do after receiving notice of the employee's appeal?

Within 20 days of receiving the notice of appeal, the school system must compile and file the record from the hearing, including any evidence and the hearing transcript, with the hearing officer, unless the hearing officer grants an extension for good cause.



Who conducts the appeal hearing?

The selected hearing officer.



How is the hearing officer selected for the appeal?

The hearing officer is selected from a panel of 5 neutral, retired Alabama judges listed on the Alabama State Bar's official alternative dispute resolution roster. The Executive Director of the Alabama State Bar selects members of the panel on a random and rotating basis and then sends those names to the superintendent and employee (or their attorneys), from which a hearing officer is chosen.



Does the school system have to select a hearing officer from the 5-member panel?

No. The parties may select the hearing officer from the panel provided or from any other source based on mutual agreement.



What happens if the school system and employee cannot agree on a hearing officer?

If the parties cannot reach an agreement, they will choose the hearing officer through a process of alternating strikes. The employee is permitted to strike the first name, and the school system is given the last strike of names. The remaining name becomes the hearing officer.



How long do the parties have to complete the hearing officer selection process?

The process must be completed within 10 calendar days after the parties receive the panel list of potential hearing officers.



What standard applies to the board's decision during the appeal?

The hearing officer must give deference to the school board's decision.



How long does the hearing officer have to render a decision?

A final ruling, either affirming or reversing the board's decision, must be issued by the hearing officer within 5 days after the appeal hearing.



What happens if the hearing officer sets aside the decision of the school board?

If the board's decision is set aside, the employee must be reinstated and credited with any benefits due under applicable law, salary schedules, or compensation policies.



Can the hearing officer's decision be appealed?

Yes. Either party may appeal an adverse ruling issued by the hearing officer to the Alabama Court of Civil Appeals.



How much notice does the board need to give to the public prior to conducting a personnel hearing?

None. The Open Meetings Act does not require the board to give notice prior to conducting a personnel hearing. Since the board is acting in quasi-judicial capacity, it may simply convene the hearing without posting a public meeting. However, the employee may elect for his hearing to be public or private.



Are there any other helpful resources regarding board hearings?

Yes. AASB's *Guidelines for Implementing the Students First Act* is another valuable resource. The booklet is currently undergoing revision but is tentatively scheduled to be released again in summer 2026. The booklet contains sample letters, motions, and scripts for conducting board hearings.