

HOUSE BILL NO. 217

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE IVAN

Introduced: 3/1/95

Referred: Health, Education and Social Services, Judiciary

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to employment of teachers."

2 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

3 * **Section 1.** AS 14.20.147(b) is amended to read:

4 (b) When a school operated by a federal agency is transferred to or absorbed
5 into a new or existing school district, the teachers shall also be transferred if mutually
6 agreed by the teacher or teachers and the school board of the new or existing district.

7 A teacher transferred from a federal agency school **that** [, WHICH] does not have an
8 official salary schedule or teacher tenure in the same manner as a public school district
9 in the state [,] shall be placed on a position on the salary schedule of the absorbing
10 district; the salary may not be less than the teacher would have received in the federal
11 agency school. If the teacher taught **five** [TWO] or more years in the federal agency
12 school and, at the time of transfer, had a valid Alaska teaching certificate, that teacher
13 shall be placed on tenure in the absorbing district.

14 * **Sec. 2.** AS 14.20.150 is amended to read:

15 Sec. 14.20.150. ACQUISITION OF TENURE RIGHTS. (a) A teacher

1 acquires tenure rights in a district when the teacher

2 (1) possesses a standard teaching certificate;

3 (2) has been employed as a teacher in the same district continuously
4 for **five** [TWO] full school years and is reemployed for the school year immediately
5 following the **five** [TWO] full school years.

6 (b) The tenure rights acquired under (a) of this section become effective on the
7 first day the teacher performs teaching services in the district during the school year
8 immediately following the **five** [TWO] full school years.

9 * **Sec. 3.** AS 14.20.160 is amended to read:

10 Sec. 14.20.160. LOSS OF TENURE RIGHTS. Tenure rights are lost when the
11 teacher's employment in the district is interrupted or terminated. **However, a teacher**
12 **on layoff status does not lose tenure rights during the period of layoff except as**
13 **provided by regulation adopted under AS 14.20.177.**

14 * **Sec. 4.** AS 14.20.175(b) is amended to read:

15 (b) A teacher who has acquired tenure rights is subject to nonretention for the
16 following school year only for the following causes:

17 (1) incompetency, which is defined as the inability or the unintentional
18 or intentional failure to perform the teacher's customary teaching duties in a
19 satisfactory manner;

20 (2) immorality, which is defined as the commission of an act that,
21 under the laws of the state, constitutes a crime involving moral turpitude; **or**

22 (3) substantial noncompliance with the school laws of the state, the
23 regulations or bylaws of the department, the bylaws of the district, or the written rules
24 of the superintendent [; OR

25 (4) A NECESSARY REDUCTION OF STAFF OCCASIONED BY A
26 DECREASE IN SCHOOL ATTENDANCE].

27 * **Sec. 5.** AS 14.25 is amended by adding a new section to read:

28 Sec. 14.20.177. LAYOFFS. (a) A school district may place a teacher who has
29 acquired tenure rights on layoff status but only if it is necessary for the district to
30 reduce the number of teachers

31 (1) because of a decrease in school attendance or school district

1 revenue; or

2 (2) to better meet the academic program needs of the district.

3 (b) The department shall adopt regulations to establish

4 (1) procedures under which a district may lay off tenured teachers;

5 (2) the length of time that a teacher retains rehire rights after a layoff;

6 (3) the circumstances under which a teacher may lose rehire rights after
7 a layoff; and

8 (4) other provisions to implement this section.

9 * **Sec. 6.** AS 14.20.205 is amended to read:

10 Sec. 14.20.205. JUDICIAL REVIEW. If a school board reaches a decision
11 unfavorable to a teacher, the teacher is entitled to **judicial review based on the**
12 **record** [A DE NOVO TRIAL] in the superior court. However, a teacher who has not
13 attained tenure rights is not entitled to judicial review according to this section.

14 * **Sec. 7.** The amendments made by this Act apply to teachers first hired by a school
15 district on or after the effective date of this Act.