

**ALASKA STATE LEGISLATURE  
HOUSE EDUCATION STANDING COMMITTEE**

March 22, 2013

8:04 a.m.

**MEMBERS PRESENT**

Representative Lynn Gattis, Chair  
Representative Lora Reinbold, Vice Chair  
Representative Gabrielle LeDoux  
Representative Dan Saddler  
Representative Paul Seaton  
Representative Peggy Wilson  
Representative Harriet Drummond

**MEMBERS ABSENT**

All members present

**COMMITTEE CALENDAR**

HOUSE BILL NO. 162

"An Act relating to tenure of public school teachers; and providing for an effective date."

- HEARD & HELD

HOUSE BILL NO. 151

"An Act establishing a public school and school district grading system for purposes of improving accountability and transparency; providing for Alaska strategic educators in public schools; and providing for an effective date."

- BILL POSTPONED TO 3/25/13

**PREVIOUS COMMITTEE ACTION**

BILL: HB 162

SHORT TITLE: TEACHER TENURE

SPONSOR(s): REPRESENTATIVE(s) T.WILSON

03/11/13	(H)	READ THE FIRST TIME - REFERRALS
03/11/13	(H)	EDC
03/22/13	(H)	EDC AT 8:00 AM CAPITOL 106

**WITNESS REGISTER**

REPRESENTATIVE TAMMIE WILSON  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Presented HB 162, as sponsor.

KATHERINE GARDNER, Director  
Human Resources and Labor Relations  
Matanuska-Susitna Borough School District (MSBSD)  
Palmer, Alaska

**POSITION STATEMENT:** Testified in support of HB 162.

DEENA PARAMO, Ed.D  
Superintendent  
Matanuska-Susitna Borough School District (MSBSD)  
Palmer, Alaska

**POSITION STATEMENT:** Testified.

TAMMY SMITH, Director  
Fairbanks Education Association (FEA)  
Fairbanks, Alaska

**POSITION STATEMENT:** Testified in opposition to HB 162.

JOE BOYLE  
Region VII Director  
Matanuska-Susitna Education Association (MSEA)  
Wasilla, Alaska

**POSITION STATEMENT:** Testified in opposition to HB 162.

ANDY HOLLEMAN, President  
Anchorage Education Association (AEA)  
Anchorage, Alaska

**POSITION STATEMENT:** Testified in opposition to HB 162.

LADAWN DRUCE  
President  
Kenai Peninsula Education Association (KPEA)  
Kenai, Alaska

**POSITION STATEMENT:** Testified in opposition to HB 162.

DAVE JONES, Assistant Superintendent  
Kenai Peninsula Borough School District (KPBSD)  
Soldotna, Alaska

**POSITION STATEMENT:** Testified in support of HB 162.

DAVID NEES  
Anchorage, Alaska

**POSITION STATEMENT:** Testified during the discussion of HB 162.

**ACTION NARRATIVE**

8:04:08 AM

**CHAIR LYNN GATTIS** called the House Education Standing Committee meeting to order at 8:04 a.m. Representatives LeDoux, Reinbold, Seaton, Wilson, and Gattis were present at the call to order. Representatives Saddler and Drummond arrived as the meeting was in progress.

**HB 162-TEACHER TENURE**

8:04:32 AM

CHAIR GATTIS announced that the first only order of business would be HOUSE BILL NO. 162, "An Act relating to tenure of public school teachers; and providing for an effective date."

8:04:41 AM

REPRESENTATIVE TAMMIE WILSON, Alaska State Legislature, presented HB 162. She offered to provide a brief history of teacher tenure. Years ago universities hired faculty but when a faculty member grew in his/her profession and became a valued teacher with a good income the professor was terminated so the university could hire someone at a lower salary. The terminated faculty member would be back in the job market and essentially need to start over. The professional organization for university professors advocated for a new process to protect professors. If professors proved to be good teachers or researchers, their works were published in journals, and they met certain other standards, these professors could be evaluated after seven years. If these faculty members met all of the university's standards they were awarded tenure with the security that tenure provides; however those not meeting the standards were terminated and could seek employment elsewhere.

REPRESENTATIVE T. WILSON indicated that today most universities, including the University of Alaska (UA), maintain teacher tenure practices. Thus an instructor, an assistant professor, associate professor, or full professor can obtain tenure after seven years of employment. A decision is subsequently made to either grant tenure or terminate the professor. However, tenure has evolved over time [to include school teachers, not just university professors]. While tenure doesn't guarantee lifetime employment, it does make firing tenured teachers a difficult and

costly process: one that involves the union, school board, the principal, the judicial system, and thousands of dollars in legal fees. She said in most states a tenured teacher can't be dismissed unless charges have been filed and months of evaluations, hearings, and appeals have occurred. Meanwhile, school districts must pay thousands of dollars for paid leave and to hire substitute teachers. She offered her belief that the current system to dismiss tenured teachers is slow and cumbersome.

REPRESENTATIVE T. WILSON reported that on July 24, 2009, President Obama announced as part of [American Recovery and Reinvestment Act of 2009 (ARRA)], the "Race to the Top Assessment (RTTA)" program, which made available \$4.35 billion in grants to states. She explained that the RTTA program includes requirements to adopt policies that take into account student achievement when evaluating teachers and developing plans to remove ineffective teachers - tenured and non-tenured. She reported that Alaska did not receive any funds, but many states made significant changes to the process.

[8:07:14 AM](#)

REPRESENTATIVE T. WILSON explained that HB 162 does not tie evaluations to teachers since the state Board of Education is currently working on that part of the system. Across the country, people recognize the current education structure is not working and having the sole basis for retaining teachers on the length of service is not likely the best approach to ensure the best teachers are in the classrooms. In fact, most states grant tenure after three years, which means teachers have not had the opportunities to demonstrate their skills or ineptness.

REPRESENTATIVE T. WILSON referred to a November 21, 2008 study conducted by the University of Washington (UW) Center on Reinventing Public Education, which found the first two or three years of teaching does not predict post-tenure performance. Further, teacher tenure may benefit teachers, but it does nothing to promote the education of children. The result is that teacher tenure requires schools to make long-term spending commitments but prevents school districts from being flexible.

[8:08:17 AM](#)

REPRESENTATIVE T. WILSON advised that teacher employment contracts generally lack provisions for declining enrollment and economic turmoil. In fact, Alaska's statutes provide numerous

steps that must be taken to terminate tenured teachers, including terminating non-tenured teachers, even if the non-tenured teachers are highly skilled. This legislation, HB 162, addresses teacher tenure by increasing the probation period from three to five years to achieve tenure. This change is in response to the importance of the quality of teacher instruction. More specifically, under the bill the probationary period for teacher tenure would require teachers to work for five years in the same school district. This would ensure that a new teacher has the opportunity to realize his/her full potential and become an effective teacher. She emphasized the importance of having the most effective teachers in the classrooms to provide the best possible education for students. Successful teachers help shape and create successful students. Effective teachers are what students need and deserve and this bill will bring Alaska one step further in achieving the goal to assure a high-performing quality teacher in every classroom.

[8:09:38 AM](#)

REPRESENTATIVE P. WILSON asked for further clarification on the necessity to retain tenured teachers for a specific position over those categorized as highly-qualified teachers.

REPRESENTATIVE T. WILSON related a scenario in which the Base Student Allocation (BSA) is not increased. School districts must make cuts by removing all non-tenured teachers first unless the school district is able to prove that no one else can fit the very specific instructor needed. To summarize, school districts must base their decisions not on retaining teachers best qualified for the position, but on the length of time these teachers have taught in the school.

REPRESENTATIVE P. WILSON suggested that the bill would probably give school districts more flexibility to move teachers where needed.

REPRESENTATIVE T. WILSON answered that HB 162 is limited to the length of time it takes for teachers to achieve tenure, but it does not address previously tenured teachers. She acknowledged that most states have taken this one step further by also considering teacher evaluations when determining whether teachers can retain tenure. Again, this bill does not address previously tenured teachers; however, the aforementioned RTTA program seems to be the direction the federal government has taken to ensure better qualified teachers are in the classrooms.

[8:11:58 AM](#)

REPRESENTATIVE LEDOUX asked for the reason that Alaska did not participate in the federal RTTA funding program.

REPRESENTATIVE T. WILSON answered that Alaska does not currently have in place a stringent evaluation process to evaluate teacher tenure that 11 other states adopted. In those states, teachers are evaluated on the outcome of student achievement testing.

REPRESENTATIVE LEDOUX understood HB 162 doesn't cover the evaluation aspect.

REPRESENTATIVE T. WILSON responded that this bill would be the first step [to improve the quality of teaching in classrooms.] Currently, it would burden the state Board of Education (BOE) to make significant changes at this time. She reiterated that the BOE is currently working on establishing new evaluation processes for teachers. For this reason, HB 162 takes an incremental approach by allowing the BOE to finish its work and to allow school districts time to incorporate any changes the BOE makes.

[8:13:08 AM](#)

REPRESENTATIVE SEATON asked whether teachers will decide not to apply for jobs in states with longer tenure qualifications versus those with three year limits. Accordingly, teachers attending job fairs could be affected by the changes to tenure. He asked whether any data is available on this.

REPRESENTATIVE T. WILSON responded that the majority of the changes occurred in 2011 and data is not readily available.

REPRESENTATIVE SEATON asked for clarification on whether the states opting for RTTA [found improvements] as compared to those not opting for the RTTA funding. He further asked whether any unintended consequences may happen under the bill with the proposed changes to teacher tenure.

REPRESENTATIVE T. WILSON answered that she introduced the bill at the request of many superintendents who expressed the need for more time to evaluate teachers in order to obtain better results [in the classroom]. In other words, the request for the bill stems from the school districts who desire more evaluation time.

REPRESENTATIVE SEATON cautioned that the state already has difficulties attracting teachers to relocate to Alaska. He expressed concern about the effect this bill will have on teacher recruitment, especially without knowing the effect the increased time to obtain tenure will have on recruitment.

REPRESENTATIVE T. WILSON offered her belief that recruitment decisions are not based solely on tenure. She emphasized her belief that teachers do not decide whether to teach in Alaska based solely on one reason, but base their decisions on other factors, including salaries and working conditions. The legislature has asked school districts to better prepare Alaska's students. She has solicited suggestions on how to make those improvements and introduced HB 162 based on feedback from superintendents. She surmised that having an ineffective teacher for one year could adversely affect students for at least a year. Perhaps students who experience poor quality teachers for several years may never catch up.

[8:17:10 AM](#)

REPRESENTATIVE SADDLER asked for an estimate on the number of teachers in Alaska who do not qualify for tenure after their three-year probationary period.

REPRESENTATIVE T. WILSON answered she didn't know.

REPRESENTATIVE SADDLER suggested the department might be able to answer that question. He asked whether there any records identify the number of tenured teachers in Alaska who have been dismissed.

REPRESENTATIVE T. WILSON related her research on this topic began with the Juneau School District (JSD). However, the JSD could not recall any instance of having dismissed a tenured teacher. Other school districts reported it was easier to essentially [pay the teacher's contract] rather than to dismiss the teacher. Additionally, tenure is portable, which means tenured teachers only need to teach two years to retain tenure in their new district. She was unsure whether accurate numbers could be compiled on tenure since teachers make decisions to leave based on a variety of reasons. She remarked that the UA graduates about 200 teachers, but the districts hire about 800 additional teachers each year. In any event, it might be difficult to ascertain the number of tenured teachers who leave Alaska.

REPRESENTATIVE SADDLER asked for further clarification on tenure portability. He asked whether teaching for two years to acquire tenure in a new school district is a statewide provision.

REPRESENTATIVE T. WILSON acknowledged it is defined in statute.

[8:19:35 AM](#)

REPRESENTATIVE DRUMMOND asked for the number of teachers who left prior to obtaining tenure status once the state changed its retirement system to a 401 (k) [defined contribution pension plan].

REPRESENTATIVE T. WILSON said she was unsure.

REPRESENTATIVE DRUMMOND commented it would be helpful to have additional data.

[8:20:25 AM](#)

REPRESENTATIVE LEDOUX asked which states require more than three years to attain teacher tenure.

REPRESENTATIVE T. WILSON directed attention to members' packets to the state-by-state breakout of tenure information [entitled "Teaching Quality"]. She reported that some states have not changed the length of time necessary to achieve teacher tenure; however, some states have tied student evaluations to achieving tenure.

[8:21:32 AM](#)

REPRESENTATIVE LEDOUX asked whether Alaska has had difficulty in attracting and retaining teachers in both urban and rural areas.

REPRESENTATIVE T. WILSON responded that HB 162 focused on addressing how to retain the best teachers in the classroom. Granted, rural communities have experienced more difficulty in retaining teachers. However, very few teachers earn tenure in the Bush since many relocate to urban Alaska communities, probably due to isolation issues, she said. Again, this bill was initiated to address concern expressed by some superintendents who indicated they must evaluate the effectiveness of teachers for tenure earlier than they would like to do so.

[8:23:46 AM](#)

REPRESENTATIVE P. WILSON theorized about being a superintendent evaluating a teacher and surmised that school districts that were uncertain about teachers would likely not retain the teachers. She asked whether any other industry has tenure programs.

REPRESENTATIVE T. WILSON was not aware of any; however she offered her belief that many union positions have protections for employees.

REPRESENTATIVE P. WILSON related in her experience, good teachers are not concerned about tenure, but teachers who are aware they are not the best teachers may be worried about being retained. Overall, she thought Alaskan teachers are doing a good job, but some may be using outdated lesson plans. She expressed support for HB 162.

[8:26:58 AM](#)

REPRESENTATIVE SEATON agreed with the previous speaker that some tenured teachers may not upgrade lesson plans or keep current with technology. He recalled some discussions about opening up tenure every five years to ensure tenured teachers are effective teachers. He asked whether the bill incorporates measures such as revisiting tenure every five years.

REPRESENTATIVE T. WILSON answered no.

[8:28:11 AM](#)

REPRESENTATIVE SADDLER asked how this bill will interface with the scoring of student performance to teacher evaluations.

REPRESENTATIVE T. WILSON answered that teachers are evaluated from the time they are hired and the evaluation process is the same for tenured and non-tenured teachers. Currently teachers can be offered tenure at the beginning of the fourth year. This bill would make teacher tenure available the first day of the sixth year. She characterized this change as a method to allow teachers a greater learning curve, which is especially important given that teachers often receive new students to teach each year. She recalled her own student teaching evaluation. In summary, this bill will allow teachers more time to become effective and alleviate some "new hire" pressures that beginning teachers may feel.

REPRESENTATIVE SADDLER asked how teacher's salaries affect tenure.

REPRESENTATIVE T. WILSON offered her belief that teachers decide to become teachers because they want to teach, not because of competitive salaries. She said, "I'm a firm believer that we pay too much for people up on top - in the administration area - and we put the most pressure on our teachers who at the end of the day - at least the way I felt - had the least freedom. And if they had let me do what I felt I had been taught to do through my four years at the university, I could be a much more effective teacher." She maintained most teachers are not motivated by salaries, but teach because they want to change the world.

REPRESENTATIVE SADDLER asked for an estimate on the length of the average teaching career in Alaska.

REPRESENTATIVE T. WILSON answered about five years.

REPRESENTATIVE DRUMMOND remarked that answer surprises her.

REPRESENTATIVE SADDLER asked for clarification on how long the average teacher teaches in Alaska.

REPRESENTATIVE T. WILSON suggested the five years is the average length of time a teacher stays in a school district. She was unsure of the length of time teachers remain in Alaska due to tenure portability. She offered her belief that the Bush districts skew the length of time teacher remain in a single school district. In further response to a question, she said she was unsure of the average statewide teacher career in Alaska.

[8:34:03 AM](#)

REPRESENTATIVE SEATON recalled that the average time employees spent in the Public Employees Retirement System (PERS) is 9 1/2 years and the average for teachers in the Teachers Retirement System (TRS) is just over 11 years. He then asked about the tenure duration and evaluation processes. He understood every principal in the Anchorage school district is required to spend extended observation time in the classroom each week as part of teachers' evaluations. He expressed concern, under the bill, about lengthening the time for tenure expecting an outcome and result of better teachers, without also incorporating an evaluation component to improve classroom teaching. He

understood this bill doesn't address teacher evaluations, but he wondered if some consideration should be made.

REPRESENTATIVE T. WILSON clarified that the intent of the bill is to allow more time for teachers to become visibly effective. She suggested that the evaluation component will be addressed by the committee at a later date. She surmised some teachers are not retained by school districts because they did not have an opportunity to demonstrate their potential effectiveness over time. Consequently, this bill would allow teachers more time to [gain skills] and become effective teachers. Many states have increased the time to achieve teacher tenure and have added provisions to revisit tenure every five years in order to reevaluate teacher effectiveness; however, Alaska is not at that point yet.

CHAIR GATTIS interjected that some school districts would like to testify on the bill and may be able to provide answers to some of the questions members have posed.

[8:39:08 AM](#)

REPRESENTATIVE SEATON asked whether school districts that currently have low-level evaluations would institute ongoing evaluations [during the additional two-year period prior to tenure]. He expressed concern that some school districts wouldn't worry about conducting teacher evaluations for teachers who have not been very effective until the end of the five-year period.

REPRESENTATIVE T. WILSON pointed out the governor is in the process of implementing a new evaluation system that would tie student achievement to teacher evaluation. Currently these issues are being handled by individual school districts, but the state [BOE] and administration have been working on a statewide approach.

[8:40:28 AM](#)

REPRESENTATIVE SADDLER commented that knowledge of an individual teacher's performance will percolate [into the community]. Further, teachers might appreciate the extra couple of years to [increase] the narrow timeframe in which they will be judged. For instance, he said he'd rather be judged on his performance during his fourth and fifth year than on his first three years of teaching.

8:41:36 AM

KATHERINE GARDNER, Director, Human Resources and Labor Relations, Matanuska-Susitna Borough School District (MSBSD), spoke in support of HB 162. She said that teacher tenure provides certificated teachers with significant increases in job security. Not only are school districts limited in the reasons they can limit or not retain teachers to three narrow reasons established in statute, but the MSBSD's ability to lay off a tenured teacher is relatively impossible. In fact, the two criteria that must be met to consider layoff for tenured teachers are tied to a reduction in the level of funding or an overall reduction in enrollment. She said these restrictions truly inhibit the MSBSD's ability to effectively balance its limited resources to provide programs the school district would like to offer to ensure the best education for its students.

MS. GARDNER offered her belief the three year period is not sufficient time to effectively evaluate teacher performance, especially since at the end of the period [when teachers achieve tenure] they are extended major protections. She reported that the MSBSD has found that many of their teachers have been with the district for 20 years or longer. Therefore, the MSBSD would appreciate extending the period by two years, which will allow the district an opportunity to ensure that the teachers who are retained are exhibiting the skills the district desires.

MS. GARDNER suggested the purpose of the evaluation is to determine that the teachers have become good teachers and not to conclude that they have the "potential" to become good teachers. She said the MSBSD wants to identify specific teachers as the ones who will work effectively for the MSBSD. She offered to answer questions she heard raised. With respect to waiting to delay timely evaluations, she responded that the MSBSD would have no interest in doing so. The department's potential changes regarding teacher evaluations will place considerable emphasis on the evaluation process and the review of student data. Therefore, the school district will not have an opportunity to put off conducting teacher evaluations. Instead, the MSBSD will look at evaluations and teacher performance at each step in the process. Extending tenure to teachers after five years will allow the MSBSD to evaluate teachers on their demonstrated skills and examine whether students are achieving at a level the MSBSD expects. Actually, the initial three-year teaching period is a period during which teachers are still learning their craft and refining their skills. The MSBSD would

like to ensure teachers have had the opportunities refine their skills before any decisions are made about future employment.

MS. GARDNER reported that the MSBSD has placed considerable emphasis on having principals conduct classroom visits. She agreed it is difficult for principals since many Matanuska-Susitna schools are large schools. Hence, the additional two years would allow principals sufficient time to sufficiently observe all classrooms. When the MSBSD has concerns about a teacher's performance, the district's default is not to retain the teacher who is not exhibiting minimum skills [since the district is far more likely to let these teachers go]. Further, the additional two years prior to achieving tenure would also benefit teachers. With respect to the question of reconsidering tenure every five years, the MSBSD would be willing to comment on revisiting tenure if a specific provision to do so was added to the bill. However, speaking from her own experience, she has not found teacher tenure as a topic broached during teacher recruitment. Therefore, she did not think this bill would adversely affect the hiring process. In conclusion, the MSBSD is very supportive of increasing the length of time from three to five years to attain teacher tenure.

[8:47:41 AM](#)

REPRESENTATIVE SEATON asked whether the change from three to five years to obtain teacher tenure will have the effect of allowing a non-effective teacher to remain in the classroom longer. He recalled earlier testimony that the state is currently implementing a new teacher evaluation program.

MS. GARDNER responded that the proposed changes in teacher evaluations are fully supported in the MSBSD district since it will give the school district an opportunity to consider student data as part of every teacher's evaluation, which is supported at the state level. In fact, the MSBSD is currently working to fully implement these changes. Further, when the MSBSD has concerns about teachers they don't delay until the third year to remove them; instead, the school district attempts to do this as soon as possible. Accordingly, if a teacher is not performing after the first year he/she will not be offered a contract renewal. In fact, the changes from three to five years under the bill will not affect the MSBSD's current practices. Actually, the MSBSD exceeds the EED's regulations in terms of frequency of teacher evaluations and the number of principal observations in the classroom. The board adopted this policy when the previous model was implemented approximately 12 years

ago. The advantage of the additional two years to observe teachers' performances is to ensure that the skills exhibited are sustainable ones. Subsequently, the MSBSD will evaluate not only in the 6th year, but in the 10th year and the 20th year to ensure the teacher's skills continue to be exhibited and adequately grow over time. In doing so, this ensures that teachers are providing a better education each year to all of the school district's students.

[8:51:21 AM](#)

REPRESENTATIVE LEDOUX acknowledged that the bill does not abolish tenure. However, she asked for an estimate of how many teachers the MSBSD would not retain absent teacher tenure.

MS. GARDNER responded that would be difficult to quantify. Actually, without tenure wouldn't mean the district would try to dismiss more teachers; instead, it would simply allow the district to evaluate the staff levels and programs based on other criteria. Thus it would allow the MSBSD to consider the best teachers to fill positions in the classrooms and to hire them. Currently, the school district must consider tenure and seniority for teacher positions. She characterized the situation of not having to consider tenure as one that would give the school district infinite flexibility to obtain the best teachers. Currently, the MSBSD has encountered times when a teacher has difficulties and the MSBSD must address these issues. She acknowledged that tenure makes solving these issues more difficult, although the district will continue to address any issues given the legal constraints that exist. In short, she offered her belief that not having tenure would give the MSBSD considerable flexibility on an annual basis.

REPRESENTATIVE LEDOUX noted that the bill does not abolish tenure, but extends the length of time for teachers to obtain tenure. She remarked she has grappled to understand the overall effect this bill will have on teachers. She understood that totally abolishing tenure wouldn't really affect the number of teachers fired, but would give the district more flexibility. She was unsure whether the MSBSD could really determine the effects of tenure.

MS. GARDNER agreed it is a difficult question to answer or to pin down. Certainly, whether teachers are tenured versus non-tenured affects decisions on whether the teachers can be retained or dismissed. The law provides three specific reasons to dismiss tenured teachers. First, teachers can be dismissed

for substantial non-compliance with rules or laws. Second, teachers can be dismissed for incompetence, which can only be determined after a lengthy and burdensome plan for improvement. Third, teachers can be dismissed for committing a crime involving moral turpitude. She offered her belief that if tenure did not exist the school district would have more flexibility to identify and remove ineffective classroom teachers. Granted, tenure is not just about added flexibility; however, given the current restrictions, the MSBSD does the best job possible. Certainly some teachers might not continue their employment if teacher tenure did not exist.

MS. GARDNER described the changes under the bill as being two-fold. First, if the current tenured teachers had had an additional two year review, they may not have earned tenure. Second, as the MSBSD faces deficits, the MSBSD would have a larger number of non-tenured staff, which would give the district greater flexibility in terms of layoffs. Currently, the MSBSD cannot issue notices of non-retention "pink slips" to tenured teachers. However, if the number of non-tenured teachers increased, it would give the MSBSD increased flexibility and help to ensure the district could "live within" its means.

[8:58:30 AM](#)

REPRESENTATIVE SADDLER asked for the number of tenured teachers who were dismissed for any of the three aforementioned reasons.

MS. GARDNER answered there have been less than 10 teachers dismissed in the 8 years she has been at the MSBSD.

REPRESENTATIVE SADDLER asked how many teachers the MSBSD employs who are not offered tenure in their fourth year of teaching.

MS. GARDNER answered that approximately 15-20 teachers are not offered tenure each year. In further response to a question, Ms. Gardner answered that this number represents about one percent of the MSBSD's teachers.

[8:59:21 AM](#)

REPRESENTATIVE LEDOUX understood about one percent of the teachers are not offered tenure. She asked for an estimate of the number of teachers that might be offered tenure [under the bill].

MS. GARDNER calculated that the 15 teachers annually represents about 1 percent of the teaching core, but about 6-10 percent of the non-tenured teaching staff. The district currently has about 1,200 teachers of which about 200-300 are non-tenured teachers. She estimated that under the bill, it bring the number of teachers not offered tenure to 2-5 percent, but it might also increase the number of layoffs that could be initiated. She concluded that it is difficult to predict the overall effect of the bill.

REPRESENTATIVE LEDOUX offered her belief that the bill may not result in better teachers for the students in the classroom but it might result in more of an economic question.

DEENA PARAMO, Ed.D, Superintendent, Matanuska-Susitna Borough School District (MSBSD), said she has previously supervised teachers on a day-to-day basis and conducted evaluations. One thing that complicates teacher evaluations is that new teachers often move to different [schools within the district] or teach different classes. Certainly, she agreed teacher performance and evaluations are important. Naturally, the school district cares about what teacher performance in the classroom and wants better teachers since better teachers result in better schools with better results. However, flux exists since teachers move between schools, administrators frequently change, which makes teacher evaluations more difficult. Consequently, three years prior to tenure isn't enough time to allow teachers to improve or to demonstrate consistent effectiveness. In fact, she doesn't want to observe "spurts of excellent teaching" that correspond to times when she is in the classroom. Instead, she wants to observe consistent effectiveness over time, when she evaluates teachers. She reported that the MSBSD publishes its data before the assembly. She said, "We're not afraid of the data. We look at the data. We want our teachers to know we want effective teachers, but sometimes the way the system is set up, by law, we can't do our jobs effectively. And so, it is about flexibility, to be able to pick the best teachers for kids."

[9:03:49 AM](#)

REPRESENTATIVE SEATON said it seems as though not offering teacher tenure in years four and five might mean the district will retain ineffective teachers in the classroom for the additional probation time. Although it sounds as though the MSBSD currently requires more supervision in the classroom, this

hasn't been the case statewide. He wanted to be sure the committee considers any potential downside to the bill.

DR. PARAMO acknowledged the point as being an excellent one. In actual practice, teachers are more likely to receive tenure in three years and subsequently, the districts cannot remove them. The process to remove tenured teachers is difficult, she said. Thus, the effect of tenure means school districts retain teachers longer than they ever intended. She offered her belief that more ineffective teachers are retained under the current teacher tenure provisions. It's even more likely Bush school districts will be "stuck with someone" who should have been dismissed since travel for rural administrators is limited and expensive, often requiring plane flights. In conclusion, she guaranteed that most of the complaints about poor teacher performance stems from fellow teachers and not from the administrators.

[9:06:56 AM](#)

REPRESENTATIVE LEDOUX admitted she is even more confused after hearing this testimony. On the one hand she heard the bill would be better for teachers because if school districts have doubts about teachers, the non-tenured teachers are not retained. On the other hand she heard the bill would be better for students since school districts have hired some ineffective teachers after the three year probationary period. She wondered whether some school districts that retained ineffective teachers have done so because they don't have the "moxie" to dismiss them. She had difficulty understanding why a school district would give any teacher tenure after three years if the teacher has shown signs of incompetence.

[9:08:09 AM](#)

MS. GARDNER offered to clarify the circumstances surrounding teacher tenure. First, she offered her belief that three years is not a very long review period and while she did not find five years to be the "[be all] end all" that extending the teacher evaluation by two years would provide school districts with additional information to base their decision on whether to retain a teacher. In instances in which a teacher shows growth or improvement, the school district will likely grant the teacher tenure after three years, anticipating the growth will continue. However, if the anticipated growth doesn't materialize or continue after the fourth year and tenure has been met, virtually nothing can be done to dismiss the teacher.

She predicted the aforementioned teacher, once tenure is achieved, will stay in the district for a considerable time, if not the rest of their career. Granted, these teachers may perform at a minimum level; however these teachers really aren't providing the best teaching, nor are they performing at the level the school district would like to see. Unfortunately, growth and competence are elusive traits to prove. She questioned the three year threshold that must be met as being inadequate in her view. Granted, any teacher who is obviously not effective in the first three years will have been dealt with early on; however, it is teachers exhibiting "waxing performance" that cause problems. Hence, having an additional two years to review teacher performance would give the district more time to evaluate consistency in the teacher's overall growth and performance. In response to a question, she answered that the MSBSD has 54 lead principals and some assistant principals.

[9:10:24 AM](#)

REPRESENTATIVE P. WILSON acknowledged it takes time to evaluate teacher performance. Additionally, it takes a good principal to ensure an effective, fair evaluation. Further, she acknowledged it's difficult to give a bad evaluation and is much simpler and easier to look at the positive aspects of the teacher being evaluated. She commended the BOE's efforts to improve the evaluation process. While each school district may have a different valuation process, it is the also school's responsibility to help teachers improve their performance even though it isn't a simple process. She expressed strong support for the bill. Further, she noted the sponsor of HB 162 has been a teacher so she better understands the process. She offered her belief this bill will help schools gain better teachers and better outcomes for students.

[9:13:40 AM](#)

REPRESENTATIVE T. WILSON clarified that the teacher evaluation includes standardized test scores, although the scores may lag up to a year. She agreed with earlier testimony that teacher classrooms may change or teachers may transfer between schools, which can compound what the teacher can accomplish [and the evaluation process]. She concluded that this bill is not about keeping ineffective teachers longer, but will allow teachers more time to prove themselves.

[9:15:47 AM](#)

REPRESENTATIVE DRUMMOND recalled the comment that the fellow teachers are the ones who most often are aware of effectiveness in other teachers' classrooms. She asked whether the MSBSD currently has a mentoring program in place.

DR. PARAMO described the extensive mentorship that exists in the MSBSD and also participates in the statewide mentorship the legislature sponsors. Additionally, the UA received a federal [RTTA] grant, which will span five years. She pointed out some administrator limitations. Some principals may briefly visit 75 classrooms in a school building. However it is the teachers in the adjacent classrooms who have daily access. These teachers may observe rowdy behavior or may observe some classroom instruction, which is the reason that other teachers notice teacher imperfections. She concluded that raising the standards can help and teachers holding each other accountable can also help since administrators can't be everywhere.

[9:18:10 AM](#)

TAMMY SMITH, Director, Fairbanks Education Association (FEA), spoke in opposition to HB 162. She said she represents 1,000 teachers in Fairbanks. First, teacher tenure does not give teachers the right to work forever, but allows teachers to teach without fear of unjust attacks. Second, teacher tenure allows teachers to be removed if they don't meet the professional standards set out. Third, administrators should be observing, documenting, and helping teachers develop. This process should allow teachers to improve or be removed if they still cannot meet professional standards. In fact, some teachers are dismissed, but it isn't necessarily publicized. She was glad to hear that principals have been in classrooms to help teachers develop their professionalism. Finally, processes exist to remove ineffective teachers, she said.

MS. SMITH commended the school system in Alaska. She offered her belief that the state has worked to improve the teacher evaluation system. She questioned increasing the probationary time to qualify for tenure to five years, since it doesn't necessarily promote quality teachers. Instead, she found the bill to be a disincentive for hiring new teachers, especially given shortages of special education, science, and math (STEM) teachers. Mentoring programs are developing and support a strong teaching profession in the state. She questioned whether school districts would be doing their jobs by allowing ineffective teachers to remain in a classroom for up to five

years [under the bill]. She concurred that administrators need to ensure that tenured teachers are using current lesson plans and the latest technology.

[9:23:03 AM](#)

REPRESENTATIVE SADDLER asked specifically on what grounds a tenured teacher should be dismissed.

MS. SMITH responded that it's difficult to identify a specific reason since there are a variety of reasons to dismiss teachers, especially if they are not using appropriate instructional practices or do not meet the standards and regulations.

REPRESENTATIVE SADDLER how many tenured teachers have been dismissed during the time she has served as the director of the FEA.

MS. SMITH declined to provide a specific number, but said that in the past two years "some" teachers have been dismissed. She stated some new teachers have expressed concern about the effective date of the bill and how the bill will affect them.

[9:25:41 AM](#)

REPRESENTATIVE SADDLER asked to confirm that some tenured teachers have been fired.

MS. SMITH cautiously agreed that between 1 and 10 teachers have been dismissed.

[9:26:41 AM](#)

JOE BOYLE, Region VII Director, Matanuska-Susitna Education Association (MSEA), described what a teacher can expect when working in Alaska. He read from a prepared statement, as follows [original punctuation provided]:

Good morning. My name is Joe Boyle. I'm the President of the Mat-Su Education Association, a classroom teacher for almost 30 years, and I'm opposed to HB 162.

On average more than 1,100 teachers are hired in Alaska every year, 70 percent of them from the Lower 48. If HB 162 passes, then before those new teachers

make the long and expensive trip up here, they should be told of the Alaska three-strike rule for teachers:

Strike One: There is no defined benefit pension. You will not earn Social Security benefits. The benefits you earned in the Lower 48 will be reduced each year you work in Alaska. If you are lucky and the stock market is kind, you may have enough money for a very modest retirement after 40 years or more, as long as you are 65 and Medicaid is still available.

Strike Two: You can expect your salary and benefits, in real, inflation-corrected dollars, to decrease on a regular basis. Twenty years ago a beginning teacher in the Mat-Su Borough School District earned about \$3,000 more than you will. He or she also received 100 percent paid health insurance, and after 20 years could retire at a modest 40 percent of his or her last salary.

Strike Three: For five years, you'll have no job protection. If an administrator needs to make room for a friend or family member, you're gone. If you ask too many questions at a staff meeting, you're done. If you don't donate to the right charity or "volunteer" for enough extra duty work, see you later.

Without tenure, a teacher can be non-retained for any reason deemed adequate. That's the law. No questions asked. Tenure for public school teachers is not a lifetime job guarantee. It only grants a teacher's due process rights. If an administrator wants to fire me, all he or she has to prove is that I am a bad teacher or a bad person. If an administrator can't recognize a bad teacher or a bad person in the three years it takes to earn tenure now, or prove it after the teacher earns tenure, then it's not tenure problem or a teacher problem you have. It's something else.

Thank you for taking my testimony.

[9:28:44 AM](#)

ANDY HOLLEMAN, President, Anchorage Education Association (AEA), stated he represents approximately 3,500 certificated teachers. He said, "I appreciate the opportunity to sort of give you the view from the other end of the telescope on this whole issue."

First, comparing K-12 tenure to university tenure is simply inappropriate since the protections and the job description are not the same. He characterized the difference between K-12 teacher tenure and university tenure as "two different animals." He suggested it would be helpful to rebrand K-12 teacher tenure. Non-tenured simply means these teachers are probationary employees. He offered his belief that a probationary status of three years is a long time. Non-tenured teachers can simply be told they will not be retained for the following year. The idea that any non-tenured teacher would be shifted out of position and be replaced with a not highly-qualified teacher is not true. It would not be allowed. A tenured teacher conceivably could be dismissed while a non-tenured teacher with a highly-qualified status for the position would stay in place. He related the evaluation process, such that teachers can be subject to a focused evaluation every year. He said the standard used for teachers who are not considered proficient is that the teachers can be placed on a pathway for termination. In fact, he has frequently seen this happen in Anchorage. He's seen it happen in buildings where he has worked, as a board member, and as President of the AEA. He clarified he is not referring to gross incompetence or people committing crimes, but teachers simply not performing up to the standards in the classroom.

MR. HOLLEMAN described the remedial process for a teacher, under a competent principal, which is to place the teacher on an improvement plan. If the teacher does not subsequently demonstrate he/she is meeting the standard, the teacher can be terminated. Typically, the school district will offer teachers facing termination an opportunity to resign. He emphasized that this is not a trivial process. While he did not wish to suggest that school districts have an easy time terminating tenured teachers, it is not as onerous as represented here today. He offered his belief that this bill would be punitive to employees. Currently, increased scrutiny happens in the third year since principals recognize this as the final opportunity to decide to fire someone without necessitating a detailed evaluation. He characterized the three-year evaluation for tenure as fair and one in which an administrator considers the arc the teacher has been on. However, if the teacher obtains tenure and his/her performance does not meet the standards that a principal expects, then the teacher can be terminated. He urged members to consider this bill from an employee's standpoint and to consider what being a non-tenured teacher means. Granted, some teachers move around so much it is difficult for a principal to adequately evaluate them. However, such practices may be unfair to the teacher and may suggest a

more stable employment is needed. Naturally, such situations are not likely good for the students either. He concluded by stating that AEA opposes HB 162 since the AEA views the bill as punitive and he does not see an "upside" for employees. He hoped members will vote it down.

[9:33:32 AM](#)

REPRESENTATIVE DRUMMOND asked how many tenured teachers have been dismissed in the Anchorage area in the last five years.

MR. HOLLEMAN said that as previously mentioned, teachers can be offered an opportunity to resign. While the departure is clearly a termination, due to the resignation, it can be difficult to assess the definitive number of terminations. He acknowledged that in terms of gross negligence, some terminations have happened. He estimated at least one termination happens per year with two to three terminations occurring in some years.

REPRESENTATIVE DRUMMOND asked whether these figures refer to tenured teachers who are terminated.

MR. HOLLEMAN answered that is correct.

[9:34:58 AM](#)

REPRESENTATIVE SEATON recalled from his teaching experience that some tenured teachers do get to a point of "marking time." He recalled that one consideration has been to reopen the tenure process every five years to ensure that teachers are responding effectively to evaluations. He asked for the AEA's position on reviewing teacher tenure every five years.

MR. HOLLEMAN answered that he viewed reviewing teacher tenure every five years as a gift to underperforming teachers. Currently, principals can notify tenured teachers the district has concerns place the teachers under evaluation processes that involve interactions between the principals and the teachers on lesson plans and direct observations in the classroom. The principals can document specifically the standards that are not being met. Subsequently, the principals allow the teachers an opportunity to demonstrate that they are meeting the standards or additional training or course work has been taken to remedy any shortcomings. If these teachers are not able to do so, the teachers can be terminated at the end of the year. He emphasized underperforming teachers should not be allowed to

wait five years. Instead, the principals should address underperformers in the current year. He offered his belief that there is strong support among the teachers to usher ineffective teachers out of the school districts. He suggested that some life experiences can affect teacher performances at some point in a 25-30 year career. Unfortunately, the school districts don't have a means to sideline teachers who are experiencing any major life crisis, such as divorces or deaths. After all, teachers can't just say they need a couple of months off. Overall, he agreed there isn't any excuse for teachers to not perform their jobs over the course of a year. Instead of opening up teacher tenure every five years, principals could opt to conduct "focused evaluations" in any year.

[9:38:42 AM](#)

REPRESENTATIVE REINBOLD asked for written documentation on the percentage of tenured teachers over the last ten years who have been fired. She clarified she is not interested in specific names, but just a generic accounting. She surmised it is probably less than one percent of the teachers. She suggested any instances in which teachers were allowed to resign also be documented.

MR. HOLLEMAN responded that the list of resignations he previously referred to was taken from his experiences. In instances in which school districts would offer an opportunity for teachers to resign, the resignations would be categorized as resignations and not terminations. He acknowledged he has previously tried to quantify terminations of tenured teachers, but was not able to do so. However, certainly teachers are terminated for low performance. During the three year "weeding out period," he estimated the number of teachers is likely a steady figure ranging from 20-30 teachers not retained per year. Again, he indicated he did not believe he could document the figures.

REPRESENTATIVE REINBOLD maintained her request. She expressed an interest in obtaining "hard data" and not anecdotal information. She offered her belief this information should be public information. Granted, many people in her district love the schools; however, some teachers are not meeting standards and her constituents keep asking her how low-performing teachers can be terminated. She suggested that "weeding out" a few more teachers would elevate the overall system. Naturally, this is not about pay and benefits, but is about meeting standards, she said.

CHAIR GATTIS stated Representative Reinbold could share the data with the committee.

9:42:35 AM

REPRESENTATIVE LEDOUX related a scenario in which a teacher resigns instead of being fired. She asked whether the teacher could change districts without the incoming community being made aware of the problems the teacher encountered.

MR. HOLLEMAN said in the ASD a box is on the form that indicates whether someone is eligible to be rehired. He suggested that if human resources had fired someone due to incompetence, the school district would check the box. He understood that the personnel office could not provide confidential details, but the box being checked would certainly be a red flag. At the same time, he stated that he has seen teachers resign because the position was not a good fit for them. In those instances, teachers may move to different schools or might leave the district. Certainly, he supported the changes in those instances. A variety of positions exist yet there is a wide range of skills is necessary so a teacher might not do well in one position, but could perform well in another position.

REPRESENTATIVE LEDOUX said theoretically the resignation could be part of a settlement agreement and a means to avoid litigation. She surmised that the box might not get checked and the teacher might move to another school district without anyone knowing that the teacher resigned under pressure.

MR. HOLLEMAN agreed it is possible. While he has not personally observed any cases close to litigation; he has experienced some egregious cases, in which a teacher has been arrested or did something outrageous. Certainly, those teachers are removed quickly and decisively and actions are also taken against their teaching certificates. He agreed these decisions are judgment calls made by the human resources department. By all means, the school district feels a responsibility not to recommend teachers who are not up to the task. However, sometimes personality conflicts arise and the teacher moving on doesn't necessarily need to be branded. Again, school districts need to consider cases individually; however, the idea that some districts are paying people to leave rather than go through the process "kind of boggles" him. He said he would consider that personally to be a misuse of public funds, although he has not seen this occur in Anchorage.

9:47:20 AM

LADAWN DRUCE, President, Kenai Peninsula Education Association (KPEA), spoke in opposition to HB 162. She said the KPEA represents 670 certificated staff on the Kenai Peninsula. She paraphrased from a prepared statement, as follows [original punctuation provided]:

I agree with the bill's sponsor that we need to ensure our most effective teachers remain in our classrooms to provide the best possible education for our students.

Having said this, I would like to read the state statute which addresses non-retention [AS] 14.20.175 "A teacher who has not acquired tenure rights is subject to non-retention for the school year following the expiration of the teacher's contract for any cause that the employer determines to be adequate."

Funding issues aside the statute allows for the dismissal of a teacher even if they are doing a good job. It is very subjective. Teachers are often non-retained simply because they were not "a good fit." They may have been good teachers and had excellent evaluations, but were still non-retained.

When you combine this bill with no defined benefits in retirement for Tier III teachers and 5 years of no job security we will not be able to attract and retain the best and brightest to Alaska.

Principals doing their jobs, the district following the process and appropriately mentoring new or struggling teachers, ensures high performing quality teachers in every classroom. This does take time and effort.

I have been President for five years and the Rights Chair for twelve years. There has not been a year that our district has not asked a tenured teacher to resign in lieu of non-retention and in some years there have been several for failure to successfully complete a plan for improvement. No, I do not know the exact numbers to date. To address Representative LeDoux's question earlier, it is my understanding that many

districts on their application ask the question, "Did you resign in lieu of being non-retained?" It is simply untrue that you cannot remove an ineffective teacher. Tenure is not lifetime job security.

I am one of nine members selected by Commissioner Hanley to serve on the Advisory Committee for Teacher Evaluation. This committee will be advising the department on the appropriate implementation of the new regulations. At our first meeting earlier this month we looked at the Measures of Effective Teaching study. The study concludes that multiple observations, multiple observers, and student surveys are the best measures of effective teachers.

MS. DRUCE agreed that the best teachers need to be in the classrooms, but she did not agree that adding two additional years to obtain teacher tenure is the answer.

[9:51:09 AM](#)

DAVE JONES, Assistant Superintendent, Kenai Peninsula Borough School District (KPBSD), spoke in support of HB 162. He offered to be brief since many points have been covered. First, in terms of budget reductions, many of the district's cuts are made from the non-tenured teaching staff. The change from three to five years to reach tenure will mean the non-tenured pool would also be increased. In doing so, it will allow the KPBSD to select better staff to serve students - with the right teachers in the right places. Second, increasing the probationary time frame from three to five years for teacher tenure would give the school district a longer period of time to work to improve teacher performance. Actually, the KPBSD has experienced challenges when some teachers approach the end of their three year period, prior to obtaining tenure. While some of these teachers have improved and shown promise, the school district knows that once the teacher receives tenure, they will receive additional protections. Thus, the school district must carefully view this final window. Due to the restrictions imposed by tenure, it is more likely the KPBSD will not retain some teachers. One reason the KPBSD also supports increasing the probationary period for teachers to five years is to allow teachers who have demonstrated signs of effective teaching to continue to teach.

[9:54:01 AM](#)

REPRESENTATIVE SEATON expressed concern about delaying any decision to dismiss a teacher beyond the three-year probationary period. He contemplated that a two-year extension time seems excessive, but one year seems more plausible. He asked whether reviewing tenure every five years should also be considered. He further asked whether one additional year of probation would suffice.

MR. JONES said he preferred to have the two-year timeframe to further evaluate teachers prior to them receiving tenure. In terms of revisiting tenured teachers every five years, the KPBSD would be interesting in doing so, particularly if it gave the school district another tool to address non-effective teaching.

[9:56:48 AM](#)

DAVID NEES stated there is a difference between tenure for university professors and tenure for public school teachers. He offered a brief history of tenure, which was to protect academic freedom so a university couldn't terminate a professor for speaking his/her opinion. However, tenure came to the public education system and in his experience one of the biggest problems he recalled was teacher turnover in his school since the school district would not give teachers tenure at the end of three years. In fact, this was since it was less expensive for them to hire new teachers. Keep in mind, the intent of the bill is to have better teachers teaching students and to retain the best ones. One way to do so is to make tenure optional by removing "shall" and instead using the language "may". In doing so, teacher tenure could be offered to excellent teachers as early as three years and as late as five.

MR. NEES also suggested that a committee should select teachers for tenure rather than a principal. When a principal makes these decisions, they lack input from the rest of the staff. In fact, the university system uses a similar process. Typically, a committee grants tenure, but the professor knows he/she is on a tenure track with the ability to attain tenure. He supported the teacher tenure process being closer to the college standard, especially since teacher tenure is not guaranteed at the university level. In doing so, this will meet the goals of the bill since school districts could retain the best teachers in as early as three years, but teachers will know within five years whether they attain tenure. On the whole, it should alleviate the basic problem of teacher tenure, which is that teachers automatically receive tenure on the first day of the fourth year. Thus removing the "shall", "acquires", and "receives"

makes it optional. The aforementioned language makes it difficult for school districts [to make beneficial decisions on staff] since they are required to offer teachers tenure. Instead, by incorporating the changes, the bill could be viewed as an opportunity for school districts to promote teachers. In closing, he offered his belief that teacher tenure should be difficult to attain and be a reward for excellent performance.

[10:01:05 AM](#)

CHAIR GATTIS, after first determining no one else wished to testify, closed public testimony on HB 162.

[10:01:15 AM](#)

[HB 162 was held over.]

[10:01:40 AM](#)

#### **ADJOURNMENT**

There being no further business before the committee, the House Education Standing Committee meeting was adjourned at 10:01 a.m.