

**ALASKA STATE LEGISLATURE
HOUSE EDUCATION STANDING COMMITTEE**

March 27, 2013

8:07 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."

- MOVED CSHB 162(EDC) OUT OF COMMITTEE

HOUSE BILL NO. 31

"An Act requiring school districts to develop and require completion of a history of American constitutionalism curriculum segment; and providing for an effective date."

- MOVED HB 31 OUT OF COMMITTEE

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
03/22/13	(H)	Heard & Held
03/22/13	(H)	MINUTE(EDC)
03/27/13	(H)	EDC AT 8:00 AM CAPITOL 106

BILL: HB 31

SHORT TITLE: CONSTITUTIONAL HISTORY CURRICULUM

SPONSOR(S): REPRESENTATIVE(S) KELLER

01/16/13	(H)	PREFILE RELEASED 1/7/13
01/16/13	(H)	READ THE FIRST TIME - REFERRALS
01/16/13	(H)	EDC, FIN
03/27/13	(H)	EDC AT 8:00 AM CAPITOL 106

WITNESS REGISTER

REPRESENTATIVE TAMMIE WILSON

Alaska State Legislature

Juneau, Alaska

POSITION STATEMENT: Testified as sponsor of HB 162.

DAN WAYNE, Attorney

Legislative Legal Counsel

Legislative Legal Services

Legislative Affairs Agency

Juneau, Alaska

POSITION STATEMENT: Testified and answered questions during the discussion of HB 162.

KATHERINE GARDNER, Director

Human Resources and Labor Relations

Matanuska-Susitna Borough School District (MSBSD)

Palmer, Alaska

POSITION STATEMENT: Testified and answered questions during the discussion of HB 162.

DEENA PARAMO, Ed.D

Superintendent

Matanuska-Susitna Borough School District (MSBSD)

Palmer, Alaska

POSITION STATEMENT: Testified during the discussion of HB 162.

CARL ROSE, Executive Director

Association of Alaska School Boards (AASB)

Juneau, Alaska

POSITION STATEMENT: Testified during the discussion of HB 162.

RON FURHER, President

National Education Association, Alaska (NEA-Alaska)

Juneau, Alaska

POSITION STATEMENT: Testified during the discussion of HB 162.

MIKE HANLEY, Commissioner
Department of Education and Early Development (EED)
Juneau, Alaska

POSITION STATEMENT: Testified and answered questions during the discussion of HB 162.

REPRESENTATIVE WES KELLER
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Presented HB 31, as sponsor.

CHRISTINE HUTCHISON
Kenai, Alaska

POSITION STATEMENT: Testified in support of HB 31.

STUART THOMPSON
Palmer, Alaska

POSITION STATEMENT: Testified in support of HB 31.

ACTION NARRATIVE

[8:07:48 AM](#)

CHAIR LYNN GATTIS called the House Education Standing Committee meeting to order at 8:07 a.m. Present at the call to order were Representative Gattis, Seaton, Reinbold, P. Wilson, Saddler, Drummond, and LeDoux.

HB 162-TEACHER TENURE

[8:07:48 AM](#)

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

[8:08:00 AM](#)

REPRESENTATIVE TAMMIE WILSON, Alaska State Legislature, as sponsor, briefly explained HB 162. She said the bill would change the [probationary] period for teachers seeking tenure from three years to five years.

[8:09:07 AM](#)

REPRESENTATIVE SEATON moved to adopt Amendment 1, labeled 28-LS0617\A.2, Wayne, 3/26/13, which read, as follows [original punctuation provided]:

Page 1, lines 11 - 14:

Delete "If the teacher taught five [THREE] or more years in the federal agency school and, at the time of transfer, had a valid Alaska teaching certificate, that teacher shall be placed on tenure in the absorbing district."

Insert "[IF THE TEACHER TAUGHT THREE OR MORE YEARS IN THE FEDERAL AGENCY SCHOOL AND, AT THE TIME OF TRANSFER, HAD A VALID ALASKA TEACHING CERTIFICATE, THAT TEACHER SHALL BE PLACED ON TENURE IN THE ABSORBING DISTRICT.]"

Page 2, lines 1 - 17:

Delete all material and insert:

"* **Sec. 2.** AS 14.20.147 is amended by adding a new subsection to read:

(d) A school district may immediately grant tenure in the school district to a teacher who transfers to or is absorbed into a school district under (a) of this section if the teacher was employed as a teacher continuously for three years in a school operated by a federal agency and has a valid Alaska teaching certificate. A school district shall immediately grant tenure in the school district to a teacher who transfers to or is absorbed into a school district under (a) of this section if the teacher was employed as a teacher continuously for four years in a school operated by a federal agency and has a valid Alaska teaching certificate.

* **Sec. 3.** AS 14.20.150(a) is amended to read:

(a) Except as provided in (c), [OR] (d), or (f) of this section, a teacher acquires tenure rights in a district when the teacher

(1) possesses a valid teaching certificate that authorizes the teacher to be employed as a certificated teacher or as an administrator under regulations adopted by the department;

(2) has been employed as a teacher in the same district continuously for four [THREE] full school years;

(3) receives, in the fourth [THIRD] year of any four-year [THREE-YEAR] period of continuous employment with the district, an evaluation under the district's

evaluation system stating that the teacher's performance meets the district performance standards; and

- (4) on or before October 15 of the school year,
 - (A) accepts a contract for employment as a teacher in the district for a fifth [FOURTH] consecutive school year; and
 - (B) performs a day of teaching services in the district during that school year.

* **Sec. 4.** AS 14.20.150(e) is amended to read:

(e) Notwithstanding (a) of this section, a teacher who has acquired tenure in a school district who moves to a new school district acquires tenure in the new school district on the first instructional day of the fourth [THIRD] year of employment in the new school district if

- (1) the teacher otherwise meets the qualifications for tenure set out in (a) of this section; and
- (2) the break in service meets the requirements of (d) of this section.

* **Sec. 5.** AS 14.20.150 is amended by adding a new subsection to read:

(f) A school district may, in the district's discretion, grant a teacher tenure rights if the teacher

- (1) possesses a valid teaching certificate that authorizes the teacher to be employed as a certificated teacher or as an administrator under regulations adopted by the department;
- (2) has been employed as a teacher in the same district continuously for three full school years;
- (3) receives, in the third year of any three-year period of continuous employment with the district, an evaluation under the district's evaluation system stating that the teacher's performance meets the district performance standards; and
- (4) on or before October 15 of the school year,
 - (A) accepts a contract for employment as a teacher in the district for a fourth consecutive school year; and
 - (B) performs a day of teaching services in the district during that school year."

Re-number the following bill sections accordingly.

Page 2, line 20:

Delete "Sections 1 and 2"

Insert "Sections 1 - 5"

Page 2, lines 21 - 22:
Delete "secs. 1 and 2"
Insert "secs. 1 - 5"

REPRESENTATIVE P. WILSON objected for the purpose of discussion.

REPRESENTATIVE SEATON explained that Amendment 1 reflects testimony given on the bill. A school district should be able to offer excellent teachers an option to receive tenure after three years of service rather than be restricted to the five years named in the bill. He said the shorter [probationary period] should be an incentive for teachers to perform well and also minimize retaining ineffective teachers in schools. He recapped Amendment 1, which does two things. First, it would allow school districts to offer tenure to excellent teachers after three full years of service. Second, it would allow school districts to offer tenure to teachers after four full years of teaching and after signing a contract for a fifth year of teaching.

[8:11:52 AM](#)

The committee took an at-ease from 8:11 a.m. to 8:15 a.m.

[8:15:44 AM](#)

REPRESENTATIVE SEATON explained that proposed Sections 1 and 2 of Amendment 1 relate to federal certification and transfers. He directed attention to page 1, line 21-23, and page 2, lines 1-14, of Amendment 1. He said the language in Section 3 would modify the statute that allows teachers to receive tenure following the fourth year, at the beginning of their fifth year of teaching. Specifically, this provision would allow school districts to offer tenure after three years, as is current practice, but if the school district so desires, it could keep some teachers on an improvement plan for an additional year. If the school district decides to offer teachers tenure after four years, the teachers would be eligible for tenure after they sign a contract for the fifth year of teaching. In essence, the effect would be to offer school districts an option to require an additional year of teaching prior to granting tenure.

[8:18:15 AM](#)

REPRESENTATIVE P. WILSON suggested that Sections 1 and 2 of Amendment 1 could be eliminated given the lack of any federal

schools in the state. She asked for the reason to include this language.

REPRESENTATIVE T. WILSON clarified that proposed Section 1 of Amendment 1 relates to federal agencies. She agreed that proposed Section 2 would change the probationary requirement prior to tenure from three years to five years.

REPRESENTATIVE P. WILSON referred to Section 2 of Amendment 1. She pointed out this language also mentions federal agency.

REPRESENTATIVE SEATON offered that the language is identical to Section 1 of the original version of HB 162.

[8:20:24 AM](#)

DAN WAYNE, Attorney, Legislative Legal Counsel, Legislative Legal Services, Legislative Affairs Agency, explained that AS 14.20.147 could be amended if there isn't any possibility of transfers to federal agency schools. He offered that Amendment 1 could be amended on page 1, line 2, to read, "four or more years" to be consistent with the rest of the Amendment 2, which sets up a four-year probationary period for teachers prior to achieving tenure.

[8:21:54 AM](#)

REPRESENTATIVE P. WILSON asked whether any federal schools are in Alaska.

MR. WAYNE responded that he did not know.

REPRESENTATIVE T. WILSON related her understanding from speaking to Senator Coghill's staff, that Alaska no longer has any Bureau of Indian Affairs (BIA) schools.

REPRESENTATIVE P. WILSON suggested deleting AS 14.20.147, which refers to BIA schools to eliminate any statutory reference since it seems confusing. In short, this would divide Amendment 1.

[8:23:38 AM](#)

REPRESENTATIVE T. WILSON agreed that it would do so, but she cautioned against deleting the statute without first confirming the effect of removing the aforementioned statute with the Department of Education and Early Development (EED).

[8:24:17 AM](#)

REPRESENTATIVE P. WILSON asked for clarification on Amendment 1. She understood that current statutes grant teachers tenure after three years [on the first day of the fourth year of teaching]. Amendment 1 would grant tenure after three years or allow the school district to extend the [probationary period by] one year. In instances in which probation is extended, teachers would automatically obtain tenure after the fourth year of teaching upon signing a contract for the fifth year of teaching.

MR. WAYNE answered yes. He said he believed that is correct.

[8:24:56 AM](#)

REPRESENTATIVE LEDOUX remarked that the federal reference will need to be cleared from the entire bill. She then asked the sponsor to comment on Amendment 1.

REPRESENTATIVE T. WILSON explained that HB 162 would require teachers to teach for five years, plus teach the first day of the sixth year to earn tenure. First, Amendment 1 would allow school districts to consider tenure for teachers after three years of employment; or second, to achieve tenure after teaching four full years plus one day into the fifth year. She preferred five years [of supervision], since she thinks the additional time is important, but she expressed a willingness to accept the committee's consensus. The Fairbanks North Star Borough School District's (FNSBSD) teacher contracts provide caveats that offer some protection for teachers. For instance, the FNSBSD cannot dismiss teachers without cause. In summary, she said she prefers the five-year probationary time frame.

[8:27:31 AM](#)

REPRESENTATIVE SEATON expressed concern that extending the [supervision period] does two things. First, it would create a limbo period for teachers, since many teachers won't buy a house or establish roots in the community without job security. Secondly, the necessity for good supervision is absent in the bill, but the teacher evaluation component should not be postponed. The additional year of supervision would provide school districts some flexibility, yet to wait an additional two years could mean that the decision to "fish or cut bait" will not happen. Therefore, an ineffective teacher could easily remain in a classroom. Certainly, four years should be sufficient time for the school's administration to decide

whether a teacher is a good fit, and if the decision can't be made within that period, the department isn't doing its job. In summary, he expressed concern about extending the supervision and decision-making process, which could simply be postponed. Therefore, the purpose of Amendment 1 is to give school districts more flexibility by providing an additional year prior to earning tenure, but it does not diminish the teacher [evaluation] process.

[8:30:06 AM](#)

KATHERINE GARDNER, Director, Human Resources and Labor Relations, Matanuska-Susitna Borough School District (MSBSD), highlighted two ways tenure affects school districts. First,, it allows school districts to consider a teacher's performance and decide whether to continue employing the teacher by granting tenure. Second, tenure also has a pretty significant impact when considering layoffs. Since 80-90 percent of the school district's budget is for staff costs, it could help the MSBSD balance its budget if it had the flexibility to reduce staff costs. In fact, tenured teachers can't be issued layoff notices, yet the current tenured teachers may not be the best fit for the district's program. However, the MSBSD must still employ these teachers. In summary, tenure is more than just considering a teacher's overall performance. She understood the earlier concern that some school districts might postpone their decisions [on evaluating teachers]; however, this would not be the MSBSD's intention. Again, this bill would allow the district an opportunity to evaluate the non-tenured teacher's growth to ensure sustained growth prior to granting tenure since granting tenure basically provides a position for life.

[8:32:21 AM](#)

REPRESENTATIVE SADDLER asked her to repeat her testimony since the audio is garbled and he could not hear it.

MS. GARDNER summarized that the MSBSD advocates for a five-year time line for tenure for two reasons. First, it would allow the MSBSD an opportunity to remove a teacher for poor performance. Second, it would also allow the MSBSD an opportunity to lay off teachers during times of budget restrictions. Extending the supervisory time to five years would allow the MSBSD additional flexibility to achieve a balanced budget. The MSBSD's intention would not be to allow ineffective teachers to remain in the classroom longer, but will be to ensure teachers have made progress, have shown growth, and are on track for tenure.

[8:36:41 AM](#)

REPRESENTATIVE DRUMMOND offered her belief Amendment 1 makes significant changes to the bill. She hoped that all school districts would review Amendment 1 and the Department of Education and Early Development (EED) would weigh in on the proposed amendment.

CHAIR GATTIS suggested that the committee could continue to review the amendments and the committee will take testimony from at least one district.

REPRESENTATIVE P. WILSON also asked to have the EED testify on the amendment.

[8:38:56 AM](#)

REPRESENTATIVE SEATON acknowledged that several approaches could be taken. He then suggested continuing the discussion and perhaps tabling Amendment 1, to allow the districts to provide feedback.

[8:39:31 AM](#)

REPRESENTATIVE T. WILSON recapped the MSBSD's testimony. She offered her belief that Amendment 1, which extends supervision 3-5 years prior to granting teacher tenure, will accomplish two things. First, it will allow school districts additional time to evaluate teachers. Second, when funding issues arise, Amendment 1 would also give the district more flexibility to retain or dismiss teachers. She offered her belief the effect of Amendment 1 will be to increase the size of the teacher pool. Currently, the only way to dismiss tenured teacher is if there is a drop in enrollment or a reduction in funding. Certainly, school districts should have the ability to consider each teacher and select the best one for the program and extending teacher supervision from 3-4 years would provide some flexibility to districts.

[8:41:38 AM](#)

REPRESENTATIVE SEATON said he hoped to offer another amendment that will work in conjunction with Amendment 1 to provide more flexibility.

[8:42:52 AM](#)

DEENA PARAMO, Ed.D., Superintendent, Matanuska-Susitna Borough School District (MSBSD), said this bill was requested by school districts and superintendents to allow them flexibility in times of staff reductions. Due to provisions in state statutes regarding tenured teachers, the only way to reduce teaching staff is if the basic need is reduced or if enrollment falls. Frequently, those two provisions do not occur in the MSBSD. Thus all tenured teachers must be kept; however, the courses needed for students are not considered in the decision to retain teachers. This bill would allow a larger pool of non-tenured staff and would give the district additional flexibility for retention decisions. Thus the effective teachers and specific teachers needed for courses could also be considered. She assured members that the MSB school district is interested in evaluating teachers, but noted it is also important to observe a teacher's effectiveness over a period of time. She offered her belief that some teachers were offered tenure without being evaluated fairly, but the impetus for this bill is to allow school districts the ability to make the determination for the best staffing for schools given a reduction in funding. She clarified that the basic needs continues to increase.

[8:45:41 AM](#)

REPRESENTATIVE SADDLER understood a larger teacher pool would give the school district additional flexibility to meet its budget with funding constraints. He asked whether a teacher without tenure is automatically considered to be a less effective teacher than a tenured teacher. He clarified that a teacher with two and a half years of experience could be doing as good a job as someone who is a tenured teacher.

MS. PARAMO agreed. She said time does not necessarily create a better teacher.

[8:46:32 AM](#)

REPRESENTATIVE SEATON asked for the percentage of new teacher hires that the MSBSD makes each year.

MS. PARAMO estimated about 40 new teachers were hired this year; however, the majority of these new hires were in special education and other specialty areas. She clarified that the MSBSD is not currently hiring many general education or elementary teachers.

8:47:44 AM

CARL ROSE, Executive Director, Association of Alaska School Boards (AASB), related that a number of school boards have been in Juneau this week discussing issues and challenges. He reported his involvement in 1995 in crafting changes to the tenure law. That effort led to changes to the statutes, which included removing trial de novo provisions which required a new trial. Plans of improvement were also put into place to ensure that teachers had an opportunity to improve instruction prior to non-retention. Additionally, provisions allowed teachers a hearing at the local level or proceed to arbitration. He stated that the legislative process was lengthy and the first bill was vetoed by the governor, but ultimately the effort led to passage of revised teacher tenure.

MR. ROSE stated that the issue today is constraints on school districts. His membership understands the strain on principals in classrooms to document performance for non-retention is extremely difficult. He said that the issue today is the difficulty for oversight based on the requirements placed on administrators as well as funding shortfalls. One issue has been the need to meet requirements of highly qualified teachers. He said the best qualified teachers tend to be put "on the block" for non-retention. The five-year option would provide school districts with some latitude and in fact, five years was originally discussed during the 1995 revisions to teacher tenure. This approach is supported by the school districts' superintendents, primarily due to the additional pressure placed on the system. These superintendents support the bill since it will grant latitude to make decisions. He related difficulties for recruitment exist, but under the bill, the school districts would have larger pools. The problems school districts face raise the issue of tenure itself. In closing, the AASB supports the bill.

8:52:24 AM

REPRESENTATIVE SADDLER asked for clarification regarding layoff considerations.

MR. ROSE offered his belief that the bill will allow flexibility since the window for tenure is a five-year window instead of a three-year window. He explained that the school districts recruit the highest qualified teachers, but these teachers are vulnerable during times of layoff since non-tenured teachers do not have the protections that tenured teachers have.

REPRESENTATIVE SADDLER asked whether teachers in the first five years of employment are the teachers "on the block" for termination.

MR. ROSE clarified that some districts have shop teachers or music teachers who are tenured teachers. However, teachers who are recruited for math or science are often placed in layoff status since they are non-tenured teachers. The non-tenured teachers must be laid off prior to considering not-retaining tenured teachers. Thus qualifications become secondary considerations to tenure when school districts make decisions.

REPRESENTATIVE SADDLER asked whether the more recently recruited teachers are the most qualified. He recalled him saying that the best teachers are "on the block." He asked for further clarification.

MR. ROSE said he was referring to the category of teachers as highly qualified teachers who have been specifically recruited for science or math, despite the fact that these teachers will be cut first when funding issues arise. In response to a question he said a band teacher would be most qualified for music. However, the recruitment of "highly qualified teachers" would be the ones he referred to earlier.

[8:55:39 AM](#)

REPRESENTATIVE SEATON asked whether Amendment 1 is supported by the AASB. Amendment 1 would allow tenure for highly qualified teachers after three years. If the AASB did not specifically discuss this aspect, he asked him to state his personal opinion.

MR. ROSE answered the AASB did not specifically address this. He thought Amendment 1 made sense since it would allow the school district an opportunity to offer tenure protection to highly qualified teachers in three years. He offered his belief that the AASB would support Amendment 1, but he refrained from offering official support since the AASB has supported HB 162 as introduced.

[8:57:25 AM](#)

RON FURHER, President, National Education Association, Alaska (NEA-Alaska), said that 32 states have the exact same timeline for tenure. In fact, the state is in an "attract and retain mode" for the best quality teachers, while teachers are

considering career opportunities. Most teachers spend their career in one state and sometimes one school district. For instance, he has spent 32 years in the Anchorage School District (ASD). The defined benefit plan has been reduced to a defined contribution plan, which is one component a career teacher will consider when deciding to take a job. Another consideration will be the length of time to achieve stability through teacher tenure. He stated that tenured teachers can be dismissed. He asked whether the changes [in the bill] will improve the system or if it will become another hurdle for teachers.

[8:59:42 AM](#)

REPRESENTATIVE SADDLER asked whether he supported Amendment 1.

MR. FURHER confirmed that he supports Amendment 1 over the original bill.

[8:59:54 AM](#)

REPRESENTATIVE REINBOLD asked how long he has taught in the district.

MR. FURHER answered that he has taught 32 years in Alaska and four years in the Lower 48.

REPRESENTATIVE REINBOLD asked how many teachers are dismissed once they are tenured.

MR. FURHER answered his knowledge would be limited to the ASD.

REPRESENTATIVE REINBOLD asked for a percentage of tenured teachers.

MR. FURHER answered perhaps 5-10 percent, although he noted some teachers are given an option to resign.

REPRESENTATIVE REINBOLD asked whether 5-10 percent of tenured teachers are laid off each year.

MR. FURHER responded that he is guessing at the number of teachers who are laid off.

[9:00:57 AM](#)

[The committee treated the public testimony on HB 162 as being closed.]

[9:01:03 AM](#)

REPRESENTATIVE SEATON moved to table Amendment 1 to allow discussion on the next amendment.

REPRESENTATIVE SADDLER objected. He said he would like a vote.

CHAIR GATTIS said the motion is to table Amendment 1.

[9:03:07 AM](#)

REPRESENTATIVE SEATON stated the motion to table is to put the motion aside for consideration at a later time.

REPRESENTATIVE LEDOUX asked for clarification on whether the next amendment would be discussed.

REPRESENTATIVE SEATON said his intention to table Amendment 1 is to offer Amendment 2.

[9:03:32 AM](#)

The committee took an at-ease from 9:03 a.m. to 9:06 a.m.

[9:06:04 AM](#)

REPRESENTATIVE SEATON withdrew the motion to table Amendment 1. There being no objection, the motion to table Amendment 1 was withdrawn.

[9:06:20 AM](#)

REPRESENTATIVE SEATON withdrew Amendment 1. There being no objection, Amendment 1 was withdrawn.

[9:06:33 AM](#)

REPRESENTATIVE SEATON moved to adopt Amendment 2, labeled 28-LS0617\A.3, Wayne, 3/26/13, which read as follows [original punctuation provided]:

Page 2, following line 17:

Insert new bill sections to read:

"* **Sec. 3.** AS 14.20 is amended by adding a new section to read:

Sec. 14.20.152. Tenure subject to review. After a teacher acquires tenure under AS 14.20.147 or 14.20.150 or reacquires tenure under AS 14.20.150, the tenure shall be reviewed by the school employing the teacher at the end of each subsequent five-year period of continuous employment. The school district may terminate the tenure if, upon conclusion of the review, the school district finds that during the five-year review period

(1) the teacher did not meet the school district's goals for student academic achievement for two of the five years;

(2) the teacher's work performance did not improve as required in a plan of improvement provided under AS 14.20.149; or

(3) the teacher did not adequately assist the school district with the implementation of a school-wide change made by the school district to the instructional model that is used by a school where the teacher is employed.

* **Sec. 4.** AS 14.20.160 is amended to read:

Sec. 14.20.160. Loss of tenure rights. Tenure rights are lost when the teacher's employment in the district is interrupted or terminated or when tenure is terminated under AS 14.20.152. However, a teacher on layoff status does not lose tenure rights during the period of layoff except as provided under AS 14.20.177."

ReNUMBER the following bill sections accordingly.

Page 2, line 20:

Delete "Sections 1 and 2"

Insert "Sections 1 - 4"

Page 2, lines 21 - 22:

Delete "secs. 1 and 2"

Insert "secs. 1 - 4"

[9:06:45 AM](#)

REPRESENTATIVE P. WILSON objected for the purpose of discussion.

[9:06:48 AM](#)

REPRESENTATIVE SEATON explained Amendment 2, such that tenure would be under review. Once a teacher acquired tenure, it could

be reviewed every five years. A school district could terminate a tenure teacher if the school district determined the teacher did not meet one of three criteria. First, if the teacher did not meet the school district's goals for student achievement in two of five years; Second, if the teacher's work performance did not improve as required in a plan of improvement provided under AS 14.20.149; or third, if the teacher did not adequately assist the school district with the implementation of a school wide change made by the school district to the instructional model used where the teacher is employed.

[9:08:03 AM](#)

REPRESENTATIVE P. WILSON asked whether Amendment 2 could stand without Amendment 1.

MR. WAYNE answered yes.

[9:08:58 AM](#)

REPRESENTATIVE SEATON said Amendment 2 would allow flexibility by adding three additional criteria. It would help ensure tenured teachers continue to work on improvement and integration of instructional models. It would help the school system move forward and operate efficiently. Additionally, it would tie teacher performance to student performance in two of the past five years.

[9:10:44 AM](#)

REPRESENTATIVE SADDLER referred to Amendment 2, lines 14-16, which he suggested would help nudge teachers to embrace the school's instructional model and if not, consequences would be imposed.

REPRESENTATIVE SEATON answered yes.

[9:11:27 AM](#)

REPRESENTATIVE DRUMMOND asked for clarification on the existing consequences for teachers whose work performance has not been improving in a plan of improvement provided under AS 14.20.149.

[9:12:26 AM](#)

MIKE HANLEY, Commissioner, Department of Education and Early Development (EED), said a school district could take steps to address the deficiencies and move towards termination.

REPRESENTATIVE DRUMMOND clarified that currently a tenured teacher could be terminated if their work performance did not improve as required in a plan of improvement.

COMMISSIONER HANLEY concurred. He explained in instances in which a teacher has been deemed non-compliant or unsatisfactory on the teaching content standards and a plan of improvement is instituted and improvement doesn't take place, the ability to take further actions, including termination, currently exists.

[9:13:21 AM](#)

REPRESENTATIVE P. WILSON asked whether the bill would lengthen the time for a teacher to have an opportunity for improvement.

COMMISSIONER HANLEY responded that the requirement to terminate or implement corrections would be less stringent prior to a teacher attaining tenure. Thus lengthening the time to acquire tenure under the bill would make it is easier to terminate a teacher or to impose corrections.

[9:14:36 AM](#)

REPRESENTATIVE LEDOUX asked if Amendment 2 would make it easier to terminate a teacher who has already acquired tenure.

COMMISSIONER HANLEY deferred to the bill drafter.

[9:15:21 AM](#)

REPRESENTATIVE P. WILSON said Amendment 2 would make tenure subject to review. She read lines 4-16, of Amendment 2, which read [original punctuation provided]:

The school district may terminate the tenure if, upon conclusion of the review, the school district finds that during the five year review period

(1) the teacher did not meet the school district's goals for student academic achievement for two of the five years;

(2) the teacher's work performance did not improve as required in a plan of improvement provided under AS 14.20.149; or

(3) the teacher did not adequately assist the school district with the implementation of a school-wide change made by the school district to the instructional model that is used by a school where the teacher is employed.

REPRESENTATIVE P. WILSON suggested that if a teacher decided to use iPads but one of the teachers refused it would fall under paragraph (3) and would be a reason not to retain a teacher.

REPRESENTATIVE P. WILSON then read lines 18-23 of Amendment 2, which read as follows [original punctuation provided]:

Tenure rights are lost when the teacher's employment in the district is interrupted or terminated **or when tenure is terminated under AS 14.20.152**. However, a teacher on layoff status does not lose tenure rights during the period of layoff except as provided under AS 14.20.177.

[9:17:15 AM](#)

COMMISSIONER HANLEY expressed concern about not having Amendment 2 before him. At first glance, it seemed to him that unsatisfactory work performance or insubordination would be reasons to reevaluate tenured teachers every five years.

[9:18:32 AM](#)

REPRESENTATIVE SADDLER asked how a tenured teacher can lose tenure for their transgressions. He asked whether other circumstances currently exist for teachers to lose tenure.

COMMISSIONER HANLEY answered that the Professional Teaching Practice Commission sets up criteria which could call for immediate termination.

REPRESENTATIVE SADDLER asked whether other circumstances were considered but not included. He further asked him to speak to the three criteria in the bill.

REPRESENTATIVE SEATON said Amendment 2 does not delete the current statute. He explained that the intent is to ensure

effective teachers, who advance education and have a willingness to conform to instructional models required in a district. He suggested that at times some teachers become set in their ways. Amendment 2 was developed to ensure teachers remain up to date in teaching practices and can help students to improve in 2-5 years.

REPRESENTATIVE SADDLER understood the state is currently considering having student performance become an aspect of teacher evaluation. He wondered if this would weaken the protections of tenure.

REPRESENTATIVE SEATON said the effect of Amendment 2 is to ensure that tenured teachers are advancing in instructional models and students are learning. This is not attempting to weaken tenure, but to ensure teacher professional development and student development continues.

[9:22:09 AM](#)

REPRESENTATIVE REINBOLD asked the department how many tenured teachers are terminated per year.

COMMISSIONER HANLEY said the determinations are at the local level and the department does not retain those records.

[9:24:20 AM](#)

REPRESENTATIVE LEDOUX asked whether the sponsor supports Amendment 2.

REPRESENTATIVE T. WILSON answered yes; since it would give a five year review of tenured teachers, which will work in conjunction with the new evaluations being considered by the Board of Education and will give superintendents another tool in their toolbox.

[9:25:41 AM](#)

REPRESENTATIVE DRUMMOND questioned the need for Amendment 2. She explained that if a plan of improvement is in place why the other criteria in paragraphs (1) & (3) could also be included in the plan of improvement. She further asked whether goals for student academic achievement could be made part of a plan of improvement as well as implementing a school-wide change.

[9:26:43 AM](#)

REPRESENTATIVE T. WILSON explained that Amendment 2 would allow a five-year evaluation for all teachers, which does not currently occur, whereas the plan of correction is limited to those not currently meeting the goals.

[9:27:27 AM](#)

REPRESENTATIVE SEATON agreed. He explained the intent of Amendment 2 is to underscore the necessity for accountability for teachers, including professional development, student achievement, and implementing school-wide changes to instructional models.

[9:28:22 AM](#)

REPRESENTATIVE P. WILSON offered that Amendment 2 would allow additional flexibility for districts to handle situations which may be new to the profession, given the changing atmosphere of the classroom. It provides a five-year review of teacher performance, which may be helpful to schools.

[9:30:24 AM](#)

REPRESENTATIVE SADDLER asked if Amendment 2 would require additional administrative effort.

REPRESENTATIVE T. WILSON offered her belief that it would not create an additional burden.

REPRESENTATIVE P. WILSON removed her objection to Amendment 2.

REPRESENTATIVE DRUMMOND objected.

[9:31:40 AM](#)

The committee took an at-ease from 9:31 a.m. to 9:32 a.m.

[9:32:43 AM](#)

A roll call vote was taken. Representatives Seaton, P. Wilson, Reinbold, LeDoux, Saddler, and Gattis voted in favor of the adoption of Amendment 2. Representative Drummond voted against it. Therefore, Amendment 2 was adopted by a vote of 6-1.

[9:33:39 AM](#)

REPRESENTATIVE SEATON moved to adopt Amendment 1, which was previously offered, labeled 28-LS0617\A.2, Wayne, 3/26/13, which read, as follows [original punctuation provided]:

Page 1, lines 11 - 14:

Delete "If the teacher taught five [THREE] or more years in the federal agency school and, at the time of transfer, had a valid Alaska teaching certificate, that teacher shall be placed on tenure in the absorbing district."

Insert "[IF THE TEACHER TAUGHT THREE OR MORE YEARS IN THE FEDERAL AGENCY SCHOOL AND, AT THE TIME OF TRANSFER, HAD A VALID ALASKA TEACHING CERTIFICATE, THAT TEACHER SHALL BE PLACED ON TENURE IN THE ABSORBING DISTRICT.]"

Page 2, lines 1 - 17:

Delete all material and insert:

"* **Sec. 2.** AS 14.20.147 is amended by adding a new subsection to read:

(d) A school district may immediately grant tenure in the school district to a teacher who transfers to or is absorbed into a school district under (a) of this section if the teacher was employed as a teacher continuously for three years in a school operated by a federal agency and has a valid Alaska teaching certificate. A school district shall immediately grant tenure in the school district to a teacher who transfers to or is absorbed into a school district under (a) of this section if the teacher was employed as a teacher continuously for four years in a school operated by a federal agency and has a valid Alaska teaching certificate.

* **Sec. 3.** AS 14.20.150(a) is amended to read:

(a) Except as provided in (c), [OR] (d), or (f) of this section, a teacher acquires tenure rights in a district when the teacher

(1) possesses a valid teaching certificate that authorizes the teacher to be employed as a certificated teacher or as an administrator under regulations adopted by the department;

(2) has been employed as a teacher in the same district continuously for four [THREE] full school years;

(3) receives, in the fourth [THIRD] year of any four-year [THREE-YEAR] period of continuous employment with

the district, an evaluation under the district's evaluation system stating that the teacher's performance meets the district performance standards; and

(4) on or before October 15 of the school year,

(A) accepts a contract for employment as a teacher in the district for a fifth [FOURTH] consecutive school year; and

(B) performs a day of teaching services in the district during that school year.

* **Sec. 4.** AS 14.20.150(e) is amended to read:

(e) Notwithstanding (a) of this section, a teacher who has acquired tenure in a school district who moves to a new school district acquires tenure in the new school district on the first instructional day of the fourth [THIRD] year of employment in the new school district if

(1) the teacher otherwise meets the qualifications for tenure set out in (a) of this section; and

(2) the break in service meets the requirements of (d) of this section.

* **Sec. 5.** AS 14.20.150 is amended by adding a new subsection to read:

(f) A school district may, in the district's discretion, grant a teacher tenure rights if the teacher

(1) possesses a valid teaching certificate that authorizes the teacher to be employed as a certificated teacher or as an administrator under regulations adopted by the department;

(2) has been employed as a teacher in the same district continuously for three full school years;

(3) receives, in the third year of any three-year period of continuous employment with the district, an evaluation under the district's evaluation system stating that the teacher's performance meets the district performance standards; and

(4) on or before October 15 of the school year,

(A) accepts a contract for employment as a teacher in the district for a fourth consecutive school year; and

(B) performs a day of teaching services in the district during that school year."

Renumber the following bill sections accordingly.

Page 2, line 20:

Delete "Sections 1 and 2"

Insert "Sections 1 - 5"

Page 2, lines 21 - 22:

Delete "secs. 1 and 2"

Insert "secs. 1 - 5"

[9:33:48 AM](#)

REPRESENTATIVE P. WILSON objected.

REPRESENTATIVE SEATON explained that Amendment 1 works in conjunction with Amendment 2. It would give the school districts the flexibility to offer tenure at three years. Additionally, it adds one additional year for tenure, whereas HB 162 would increase the probationary or supervisory period to five years.

[9:34:29 AM](#)

REPRESENTATIVE P. WILSON offered her belief that school districts could currently do this.

REPRESENTATIVE SEATON answered that statutes specify when tenure is attained, but does not include an option to offer tenure for other timeframes.

REPRESENTATIVE P. WILSON disagreed. She said that a teacher could be provided a longer contract to accomplish tenure.

[9:35:45 AM](#)

REPRESENTATIVE DRUMMOND offered support for Amendment 1 since it offers flexibility to school districts. However, she offered her belief that if this bill passes the school district can only offer tenure on the first day of the 6th year.

[9:36:42 AM](#)

REPRESENTATIVE P. WILSON maintained her objection.

[9:36:48 AM](#)

A roll call vote was taken. Representatives Seaton and Drummond voted in favor of the adoption of Amendment 1. Representatives P. Wilson, LeDoux, Saddler, Reinbold, and Chair Gattis voted against it. Therefore, Amendment 1 failed to be adopted by a vote of 2-5.

[9:37:56 AM](#)

REPRESENTATIVE P. WILSON moved to report HB 162, as amended, out of committee with individual recommendations and the accompanying fiscal note. There being no objection, the CSHB 162(EDC) was reported from the House Education Standing Committee.

[9:38:25 AM](#)

The committee took an at-ease from 9:38 a.m. to 9:40 a.m.

HB 31-CONSTITUTIONAL HISTORY CURRICULUM

[9:40:40 AM](#)

CHAIR GATTIS announced that the final order of business would be HOUSE BILL NO. 31, "An Act requiring school districts to develop and require completion of a history of American constitutionalism curriculum segment; and providing for an effective date."

[9:41:00 AM](#)

REPRESENTATIVE WES KELLER, Alaska State Legislature, would require the school districts to create a history segment based on American constitutionalism. Further, students would be required to pass the course as a condition of graduation. Granted, American history is already an integral part of the public education system, but while many schools offer history, it is not a requirement. He explained American constitutionalism as being consideration of the six seminal documents of American history, including the Declaration of Independence, the first state constitutions, the Articles of Confederation, the Constitution of the United States, the Federalist Papers, the Bill of Rights, and other historical documents. He stressed the importance of teaching the values of the U.S. Constitution in the public schools, in particular, during the six-year period and timeframe of America's history in which many documents were written. He said the greatest gift [in America] is freedom.

REPRESENTATIVE KELLER pointed out the turmoil in Egypt, and its attempts to model democracy in recent years, with a great deal of difficulty. He offered that this illustrates the values found in the U.S. Constitution. Again, the source of human

rights, the Declaration of Independence, clearly states that certain rights are self-evident, including life, liberty, and the pursuit of happiness. The source of U.S. rights is innate in the human being; however, he asked members to contrast this with Egypt's approach, which uses military power rather innate qualities of the Egyptian people. He turned to freedom of religion and offered his belief that the Egyptian constitution contains religious freedom for some Abrahamic religions such as Christianity and Muslim religions. However, people in the U.S. have the right to believe whatever they want to believe. He found freedom of expression and the equality of women absent in the Egyptian Constitution. To a great extent, Americans tend to take freedom for granted and many don't understand the three branches of government or the roles each one has in American government. He quoted Judge Walter Carpeneti's address and paraphrased comments, as follows:

...I would like to conclude today with an invitation to each of you---legislators and... anyone watching this speech--- to join me in the effort to instill in our young people the same knowledge and respect for the laws and institutions of our country that we are all privileged to share. Log on to ***civics.org*** and check out the games, web quests, and lesson plans for yourself.

... Thomas Jefferson said ***that "the qualifications for self government are not innate.... [T]hey are the result of habit and long training."*** As we work together to advance cost-effective justice, we must remember that the greatest guarantee of a strong future for all three branches of government is a citizenry that understands and embraces the fundamental principles of democracy.

REPRESENTATIVE KELLER acknowledged that "mandating curriculum" is not a popular thing. Further, no cost is involved since there are countless sources on this topic. For example, one resource is civics.com.

[9:48:48 AM](#)

REPRESENTATIVE P. WILSON suggested this bill creates an unfunded mandate. She understood a lot of information is available; however, some curricula are better than others. She wondered

whether American constitutionalism sufficiently zeroes in on the course work required.

REPRESENTATIVE KELLER explained the word "constitutionalism" is used to direct focus on the values. It doesn't say that the teacher's curriculum must take a particular "vent." While some may believe the U.S. Constitution is a living document others believe the U.S. Constitution is a solid document. The debate exists and this bill does not "go there." Instead, this bill will require students to examine the values the founders had when the documents were prepared. It assumes critical thinking by students and teachers of the source documents to civics today.

[9:50:28 AM](#)

REPRESENTATIVE LEDOUX pointed out there is a zero fiscal note, but the committee has been discussing unfunded mandates.

[9:50:36 AM](#)

REPRESENTATIVE SADDLER stated his support for HB 31. He said the public school is supposed to create good citizens. He recognized that Alaska is the port of call for many new Americans, ranging from Pacific Rim citizens to elsewhere. He emphasized the importance of offering this type of education in Alaska's schools. He recalled his own school experiences that may have placed him on the path to where he finds himself today. He related that his history teacher made him rephrase the U.S. Constitution, which forced him to understand it and awakened in him a respect for the U.S. system of government. He offered his belief that this bill would ensure students have an opportunity to learn about the essential elements of good citizenship.

[9:51:36 AM](#)

REPRESENTATIVE SEATON said this bill does not appear to relate to teaching civics, constitutional law, or the Declaration of Independence, but rather the bill's constitutionalism speaks to the values of the people who created the documents. He understood it would not be the study of the documents.

REPRESENTATIVE KELLER responded that it is presumed that the documents hold the information.

REPRESENTATIVE SEATON recalled previous testimony [last legislature on a similar bill] that embodied the values of the

people during the timeframe. He asked whether this new bill is different. He directed attention to page 2, line 4, of HB 31, which refers to a number of historical written documents that appeared over a span of 15 years.

REPRESENTATIVE KELLER read page 2, lines 5-10, which read, as follows [original punctuation provided]:

(4) a number of historical written documents that appeared over a span of 15 years continue to serve to define our national identity and our constitutional republic form of government: the Declaration of Independence, the first state constitutions, the Articles of Confederation, the Constitution of the United States, the Federalist Papers, and the Bill of Rights; a general understanding of the philosophies and historical contexts that generated those documents is an essential element in the education of Alaska students;

REPRESENTATIVE KELLER asserted that this is a history mandate and not a civics mandate. He said the intent of the bill is to draw focus on the seminal documents that provide American values.

[9:55:54 AM](#)

CHRISTINE HUTCHISON stated she is a teacher, who previously taught social studies in Montana. She offered her support for HB 31 and commended the introduction of the bill. She said in the fall classrooms observe Constitution Day, which is an excellent opportunity to bring the U.S. Constitution into the classroom. She suggested the bill could also allow additional focus in the upper grades, which is especially important since this is where voters come from. She said this could assist young people in feeling privileged to vote. In conclusion, she looked forward to this being tasked by the committee and the legislature.

[9:57:52 AM](#)

STUART THOMPSON, stated support for HB 31, and paraphrased from a prepared statement.

MR. THOMPSON said the American Constitutional Literacy Act should be passed. The destructive results in society for merely embedding elements of constitutional and government study in

social studies classes shows up nearly everywhere. He also said public ignorance of individual citizens' power is the single greatest condition that enables corruption and eventual overthrow of a government.

MR. THOMPSON asked members to consider a Thomas Paine quote, which he read, as follows:

Reason and ignorance influence the bulk of mankind. If either of these can be rendered sufficiently extensive, the machinery of Government goes easily on. Reason obeys itself; and Ignorance submits to whatever is dictated to it.

MR. THOMPSON offered to illustrate the constitutional illiteracy in this country. He said that both President Bush and President Obama in speeches and in conduct have asserted that the primary function of government is to protect the American people. While this is "feel good" and "compassionate", protection by definition and by the realities of application inherently entails the restriction or elimination of liberty by the elite. He offered his belief that the complete opposite of the theme of self-government is embodied in Lincoln's phrase, "Government of, by, and for the people." Population protection as the primary function of government completely contradicts U.S. founding documents, he said. He referred to the Federalist papers, number 51, which read, "Justice is the end of government. It is the end of civil society. Justice is not the vicious savagery of retaliation and revenge, but the instrument developed by civilization to address writing abuses of liberty through due process and the pursuit of truth." He asserted that the pursuit of happiness and inalienable rights per the Declaration of Independence is naturally empowered by liberty and justice according to the political theories of our founders. Even the U.S. Pledge of Allegiance embodies this foundation principle, with the phrase, "... with liberty and justice for all." He asked members to consider what future this country has when even Presidents show their virtual incomprehension of the meaning of even the U.S. Pledge of Allegiance and no one calls them on it. He asked what future this country has when educators commit virtual educational treason by treating the study of the constitutional study of our government as static, just to justify superficial coverage of it in a social studies curriculum of public schools. In conclusion, he asked members to pass this bill.

[10:01:42 AM](#)

CHAIR GATTIS, after first determining no one else wished to testify, closed public testimony on HB 31.

[10:01:49 AM](#)

REPRESENTATIVE SEATON directed attention to page 2, lines 25-26 to the "curriculum segment" and the graduation requirement in HB 31. He asked for the definition of a "curriculum segment" and the length of time span, such as whether it would be a year-long class, a semester class, or a portion of a civics class.

REPRESENTATIVE KELLER said the bill would allow the superintendent and local district to make the determination of on the "curriculum segment."

[10:02:49 AM](#)

REPRESENTATIVE REINBOLD offered her support for HB 31. She said it is very important and this subject is worthy.

[10:03:06 AM](#)

REPRESENTATIVE P. WILSON moved to report HB 31 out of committee with individual recommendations and the accompanying fiscal notes.

[10:03:18 AM](#)

REPRESENTATIVE SEATON objected. He asked to revert to prior discussions on the topic. He understood the topic of the course includes the documents and an understanding of the documents, but not the values and the morals of the people at the time the documents were drawn. For example, the morals [at the time the Declaration of Independence was written] would have included slavery, indentured servants, and women not having the right to vote. Fortunately, he noticed the Bill of Rights is included in this version of the bill. In conclusion he asked to have on the record HB 31 refers to completion of a history of American constitutionalism curriculum segment, which entails the documents and contents, but not just the philosophies of the people who created the documents.

REPRESENTATIVE KELLER was uncertain about previous testimony in question since this is the first hearing for this bill. He recalled that last legislature a similar bill was introduced;

however, he offered his belief that the specific bill also included the Bill of Rights. He did not understand the distinction between the values and morals of the people involved and the values found in the seminal documents. He said the bill's purpose is the values found in the documents related to human government.

[10:04:58 AM](#)

REPRESENTATIVE SEATON removed his objection. There being no further objection, HB 31 was reported from the House Education Standing Committee.

[10:05:12 AM](#)

ADJOURNMENT

There being no further business before the committee, the House Education Standing Committee meeting was adjourned at 10:05 a.m.