

**ALASKA STATE LEGISLATURE**  
**SENATE EDUCATION STANDING COMMITTEE**

March 31, 2014

8:00 a.m.

**MEMBERS PRESENT**

Senator Gary Stevens, Chair  
Senator Mike Dunleavy, Vice Chair  
Senator Charlie Huggins  
Senator Berta Gardner

**MEMBERS ABSENT**

Senator Bert Stedman

**COMMITTEE CALENDAR**

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 162(EDC) AM  
"An Act relating to tenure of public school teachers; and  
providing for an effective date."

- HEARD & HELD

**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
03/27/13	(H)	Moved CSHB 162(EDC) Out of Committee
03/27/13	(H)	MINUTE(EDC)
03/28/13	(H)	EDC RPT CS(EDC) 3DP 4NR
03/28/13	(H)	DP: SADDLER, P.WILSON, GATTIS
03/28/13	(H)	NR: LEDOUX, DRUMMOND, REINBOLD, SEATON
04/04/13	(H)	AM NO 3 TABLED Y28 N8 E4
04/04/13	(H)	PASSAGE OF BILL NOT IN ORDER MOTION WITHDRAWN
04/04/13	(H)	TRANSMITTED TO (S)
04/04/13	(H)	VERSION: CSHB 162(EDC) AM
04/05/13	(S)	READ THE FIRST TIME - REFERRALS

04/05/13 (S) EDC  
03/31/14 (S) EDC AT 8:00 AM BELTZ 105 (TSBldg)

#### **WITNESS REGISTER**

REPRESENTATIVE TAMMIE WILSON  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Sponsor of HB 162.

BRUCE JOHNSON, Executive Director  
Alaska Council of School Administrators  
Juneau, Alaska,

**POSITION STATEMENT:** Presented information related to HB 162.

TAMMY SMITH, President  
Fairbanks Teacher Association  
Fairbanks, Alaska

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

WILLIAM ERNST, Teacher  
Fairbanks North Star Borough  
Fairbanks, Alaska,

**POSITION STATEMENT:** Voiced opposition to HB 162.

#### **ACTION NARRATIVE**

[8:00:12 AM](#)

**CHAIR GARY STEVENS** called the Senate Education Standing Committee meeting to order at 8:00 a.m. Present at the call to order were Senators Gardner, Dunleavy, and Chair Stevens. Senator Huggins arrived shortly thereafter.

#### **HB 162-TEACHER TENURE**

CHAIR STEVENS announced the consideration of HB 162. He said version U.A was before the committee.

[8:01:01 AM](#)

REPRESENTATIVE TAMMIE WILSON, Alaska State Legislature, Juneau, Alaska, sponsor of HB 162, shared the history of the bill's path through the legislative process so far. She discussed the change of tenure from after-three to after-five years. The House proposed an amendment that would exempt Rural Education Attendance Areas (REAA) and communities with 5,500 residents or less from the provision to change tenure to after five years. The following school districts were left: Anchorage, Kodiak

Island, Mat-Su, Fairbanks, Juneau, Kenai, and Ketchikan. She noted that those districts had previously requested the change in tenure.

REPRESENTATIVE WILSON related that flexibility in new hires - related to budget cuts - was also an issue as to why the bill is needed. She further addressed the reasons tenure needs to be changed. She used Fairbanks as an example of a district that has its own tenure policy in place. She opined that tenure decisions should be left up to districts to determine. If HB 162 were to pass, districts could continue allowing tenure after three years, but they would not be required to do so. She explained that there is a portability provision in the bill which provides that a teacher who has taught in a district for several years can take those years of experience to the next contract.

Representative Wilson suggested that the word "tenure" has a variety of meanings. Universities have a complicated tenure system.

[8:04:52 AM](#)

CHAIR STEVENS spoke from experience about tenure at the university. He questioned the decision to go from three years to five years and what that time extension might entail. He asked if there would be more classroom observation involved. He also inquired how student achievement enters into it. He assumed that the goal of having tenure is to help teachers become better.

REPRESENTATIVE WILSON replied that districts would not be required to wait five years. There is flexibility in the bill to allow excellent teachers to receive tenure sooner than five years. A longer tenure period allows districts to draw from a larger pool when making cuts and allows for more mentoring of new teachers. She questioned the five-year component and wondered if the decision could be left up to the district.

CHAIR STEVENS shared that his district has a large school and five small schools that the bill does not exclude from the tenure provision because they are within a large district.

REPRESENTATIVE WILSON explained that the discussion should continue on allowing each district to decide how to deal with tenure.

[8:09:49 AM](#)

SENATOR GARDNER inquired who within the five districts requested the bill.

REPRESENTATIVE WILSON explained that the five aforementioned school districts joined together and presented a list of issues that would provide them with more flexibility.

SENATOR GARDNER inquired if the biggest reason for needing HB 162 is so that districts can have control over who to retain when there will be a layoff.

REPRESENTATIVE WILSON said special education teacher positions are hard to fill. Also, there is the issue of portability when teachers move into new districts and only have one year to adjust to the new school. She noted a complaint about underperforming teachers and the method of releasing them.

SENATOR GARDNER provided an example of a teacher with tenure in a REAA district who moves to a larger district. She asked if the bill applies to them.

REPRESENTATIVE WILSON said the bill does not deal with that situation.

SENATOR GARDNER thought tenure did not transfer.

REPRESENTATIVE WILSON believed each district makes that determination.

[8:13:36 AM](#)

CHAIR STEVENS asked what happens to a teacher who needs more time after three years. He wondered if the tenure process could be extended.

REPRESENTATIVE WILSON did not think so, currently. The bill provides for an extension as needed. At the end of the fourth year the contract could be offered.

CHAIR STEVENS said on page one it says "shall". He asked where the bill permits giving tenure sooner than five years.

REPRESENTATIVE WILSON explained that there is nothing that says you can't do it earlier, therefore you can.

[8:16:00 AM](#)

SENATOR HUGGINS asked why tenure exists.

REPRESENTATIVE WILSON said it came from the universities. She opined that there were some teachers who had a conflict with

their administration and felt they needed protection. It began during the BIA schools. She stressed that it is not the responsibility of the state to tell schools what to do.

CHAIR STEVENS added that the reason tenure was introduced was to protect teachers from unwarranted firing.

8:18:28 AM

SENATOR HUGGINS said every profession has employee/employer conflicts. He opined that tenure is not exercised; a very small percentage of teachers are dismissed.

REPRESENTATIVE WILSON did not think he was wrong. She related that tenure was borrowed from the university where tenure was a reward. In public schools it is based on years. The bill would provide flexibility to schools to manage their own tenure policies.

SENATOR HUGGINS recalled how difficult it is to find special education teachers. He requested more data about tenure. Many teachers left teaching due to the new retirement system. He maintained that everyone receives tenure at three years.

8:22:59 AM

CHAIR STEVENS asked how many teachers are dismissed before they are tenured.

SENATOR HUGGINS provided an example of how a teacher could get in "under the radar."

REPRESENTATIVE WILSON said it is a lot easier for marginal teachers to stay on point for three years. She said it was never the intent to speak poorly about "good" teachers. She did not think there was data at the department regarding non-retained teachers.

CHAIR STEVENS said in the past he heard that administrators didn't have time for classroom observations. He voiced concern about postponing the tenure decision for two more years. He also asked how much it would cost the district to mentor a teacher for two more years. He said he did not understand the rating process and how student evaluations would be tied in.

REPRESENTATIVE WILSON said that teacher evaluation was a big concern in small districts. She opined the bill is not about delaying the decision for two more years. The classroom is an inconsistent environment. She compared it to being a new

legislature. It is the opposite of delaying the decision; it provides more time for evaluation. She questioned whether the tenure period needs to be mandated.

[8:29:25 AM](#)

SENATOR HUGGINS maintained that another factor is having to let the non-tenured excellent teacher go, due to budget cuts.

CHAIR STEVENS said one reason for tenure is that districts might choose to hire a less expensive teacher and tenure protects the senior teacher from being fired.

SENATOR HUGGINS agreed. He noted there are retirement incentives that pay people to retire early.

REPRESENTATIVE WILSON said, on one hand, districts are measured on accountability and a poor teacher will interfere with results. On the other hand, good teachers provide good results. She opined that with contracts and union involvement protections are in place.

[8:33:57 AM](#)

SENATOR GARDNER requested a copy of the five districts' request list.

REPRESENTATIVE WILSON offered to provide that information

SENATOR DUNLEAVY requested that NEA and the Alaska Council of School Administrators testify.

[8:36:25 AM](#)

BRUCE JOHNSON, Executive director, Alaska Council of School Administrators, Juneau, Alaska, presenting information related to HB 162. He said Council members have a variety of opinions on the bill. He said the rationale behind favoring the extension is that, in times of reduction, often beginning teachers are moved from one site to another and have three different supervisors. Sometimes, people fall between the cracks.

CHAIR STEVENS asked if tenure transfers.

DR. JOHNSON said no, tenure is a district-awarded concept. If a teacher moves from one district to another there is a shortened period until tenure is acquired in the new district. He pointed out that when there is a dismissal of a tenured teacher, it is costly. Previously, there was a tenure renewal clause, which was removed. Districts consider dismissal very purposely due to the

cost, time, and energy, as well as the morale issues. For those reasons, the Council would entertain a reinstatement of that clause in the future.

He said when it comes to making a tenure decision in a district, each individual teacher is evaluated and a very conscious decision is made about whether or not the performance of the individual in the first three years has been sufficient. It is not taken lightly and is not left up to an individual principal.

He noted that there have been improvements in teacher recruitment efforts. He said in smaller districts there was a problem with finding outstanding teachers versus an adequate teacher who is willing to go to an outlying area.

DR. JOHNSON said tenure is a complicated issue worthy of discussion. He suggested the issues surrounding the bill should be well thought out. He opined that it is great to have local control, but at the same time there is a fairness issue, which collective bargaining addresses.

[8:43:43 AM](#)

CHAIR STEVENS thanked Dr. Johnson for his years of service. He asked if it is a problem having different tenure rules for small districts.

DR. JOHNSON said no. It is designed so that rural districts have a good recruitment tool of offering tenure in three years. He noted he does not know of any schools that offer tenure before the end of the third year.

SENATOR DUNLEAVY asked if a principal who holds a teaching Type A endorsement and an administrative Type B endorsement receives teacher tenure after three years.

CHAIR STEVENS asked for an explanation of Type A and Type B endorsements.

DR. JOHNSON explained that Type B is an administrative endorsement; Type A is a teaching endorsement. Often, a principal will have teaching experience and will have tenure as a teacher, or will have teacher tenure awarded for being an administrator.

SENATOR DUNLEAVY asked if an administrator who has never taught can be granted teacher tenure as an administrator.

DR. JOHNSON said yes.

8:48:43 AM

SENATOR GARDNER asked what is required to receive tenure after a teacher has left the district and then returns.

DR. JOHNSON said if a teacher leaves a tenured position and returns to the district at a later time, tenure is not reinstated, but would have to be earned again. A teacher can move within a district and retain tenure.

SENATOR GARDNER asked if an administrator has to keep the Type A license current.

DR. JOHNSON said yes. Administrators also must meet the six-credit requirement every five years to maintain either Type A or Type B, or both.

CHAIR STEVENS inquired, if a teacher has taught for three years and is not ready for tenure, does the principal have a choice to fire the teacher, grant tenure, and extend the tenure probation period.

DR. JOHNSON responded that he has worked with the union to develop an extension due to a catastrophic incident, but it is rare.

8:52:29 AM

CHAIR STEVENS asked for more information about teacher observations. He voiced concern that extending the time will postpone observations and assistance to a teacher that needs more help.

DR. JOHNSON explained that observations vary district to district. It ranges from observations every week to having personnel hired to do observations. The point of observation is to help teachers improve sooner, rather than later, and intervene in a way that is helpful. He opined it is very rare where there are few observations of non-tenured teachers. He concluded it is an area that has made great strides.

SENATOR GARDNER asked about the process of becoming a highly effective teacher. She related some of the components to that effect: better selection of teacher candidates, better instruction for teachers in training, longer student teaching time, mentoring, continuing education, and MAT programs. She inquired if the districts who want five-year tenure programs

anticipate needing help to assist teachers with improvement programs during the additional two years until tenure.

DR. JOHNSON said the point is well taken. He said he could only speak about districts he has personal knowledge with. For example, Mat-Su has advocated for the increase and has a very robust teacher support system, a rich collection of offerings and assistance. Even with that in place, some teachers will slip between the cracks because they are moving from school to school. He guessed that three years is enough time to determine if a person will be a quality teacher and he would be reluctant to grant tenure to someone who has not demonstrated competency after three years. However, there are places in Alaska where it is difficult to attract and retain teachers.

[8:58:35 AM](#)

SENATOR GARDNER recalled the discussion about extending the tenure period because of extenuating circumstances. She inquired if there has been an example of a teacher who is marginal and receives an extension for two years under an improvement plan.

DR. JOHNSON said that instance would be district specific and require an agreement with their teacher association. He thought it was worthy of consideration.

[9:00:18 AM](#)

TAMMY SMITH, President, Fairbanks Teacher Association, Fairbanks, Alaska, testified in opposition to HB 162. She shared her history and pride as a teacher for over thirty years. She opined that the way to improve a system is not through extending the requirements, which makes it harder for a new teacher to achieve a sense of commitment, but to guarantee that all the steps are in place to ensure success. She maintained that it must be a system that promotes the highest standards. She said she is on the teacher evaluation task force in Fairbanks which is selecting a new teacher evaluation and determining the best way to implement it. Additionally, the task force will be determining how to meet the new regulations, tying teacher performance to student growth.

She related that she is also a member of the Department of Education and Early Development (DEED) teacher evaluation group. That task force is also working on useful components for both teacher and administrator evaluation tools. She opined that this work being done at the state and local level will provide significant growth in teacher performance and administrative oversight. She maintained, "If we want to improve the overall

performance of teachers, it cannot be by holding a hammer over their heads, but instead by putting into place reasonable steps to ensure the high quality of teaching in the classroom." She said this can be done by making sure there are rigorous teaching programs at the university, by providing administrators and supervisors excellent evaluation tools to work with, having job collaboration and professional development, on-going mentoring programs, increased pre-service teaching opportunities, more training for school boards, superintendents, and administrators, setting aside time for professional learning communities, and, if necessary, for individuals not up to the job, to educate them out of the field.

She opined that the current progress being made by DEED with the teacher and administrative evaluation tool is the most key element to support. She requested support for a rigorous evaluation tool which research supports.

[9:04:32 AM](#)

CHAIR STEVENS asked if Ms. Smith is a better teacher after 30 years.

MS. SMITH said yes. She said she is at her peak, with two master's degrees and the desire to try new things. She has a better understanding of what it takes to be a good teacher and to help her colleagues and administrators. She has a thorough understanding of education philosophy and an ability now to provide guidance to newer teachers.

CHAIR STEVENS thanked Ms. Smith.

SENATOR HUGGINS asked for Ms. Smith's three priorities to help a beginning teacher improve.

MS. SMITH said a beginning teacher needs to work with a mentor teacher on site, must know their content, and there must be continuing mentorship in the classroom.

[9:08:47 AM](#)

MS. SMITH responded to a question from Senator Huggins. She said teachers have to be flexible and change with the culture and address varying needs of students. She used technology as an example.

SENATOR GARDNER asked why teachers leave the profession quickly.

MS. SMITH said up to 50 percent leave the profession within five years. She said they need to have good mentors on site. There are many challenging requirements that can be overwhelming to new teachers, leading to a sense of frustration. She concluded that teaching is a community job.

[9:14:12 AM](#)

CHAIR STEVENS said the bill changes tenure from three years to five years. He voiced concern about what happens in that extra two years and about the cost.

MS. SMITH thought that what should happen in the extra two years is to allow a new evaluation system to be in place. In Fairbanks the Danielson Model has been adopted. She suggested putting money into evaluation tools. If a teacher is not seeing growth in the second or third year, there needs to be an honest conversation with that person.

CHAIR STEVENS asked about the five categories of ratings.

MS. SMITH said it depends on the tool; the categories are specific to a model. She spoke of the Danielson Model and the need for the administrator to take the training for it in order for it to be effective.

[9:17:59 AM](#)

CHAIR STEVENS asked if student achievement should be a part of tenure.

MS. SMITH said it is a tough issue. She said tying student performance to the teacher evaluation is a work in progress. She opined that testing is a complex issue. There is a new regulation that addresses that issue.

CHAIR STEVENS said special education is also a consideration.

MS. SMITH agreed that it is an issue. She described special education intervention via the individual education plan.

[9:20:30 AM](#)

SENATOR HUGGINS asked if she works on teacher evaluations.

MS. SMITH said yes.

SENATOR HUGGINS believed in two elements important in evaluations. The conversation between the principal and the teacher should include the teacher sharing their goals as a part

of the evaluation. Later on the conversation should include how the teacher met their objectives.

MS. SMITH said pre-conferences and post-conferences include both the teacher's goals and the principal's views. She emphasized how important it is for administrators to spend time in the classroom.

SENATOR HUGGINS provided an example of evaluation benchmarks.

MS. SMITH said in most cases there are timelines throughout the year for these conversations.

SENATOR HUGGINS asked how many teachers did not get tenure in Fairbanks.

MS. SMITH said she is not privy to that information. She shared that tenure is a big deal to new teachers.

SENATOR HUGGINS agreed tenure is important. He restated his question about the number of teachers in Fairbanks that were denied tenure.

[9:28:11 AM](#)

CHAIR STEVENS suggested they will research the numbers of teachers that did not receive tenure.

SENATOR GARDNER asked how many teachers quit before they were to receive tenure.

CHAIR STEVENS hoped those statistics are available.

SENATOR HUGGINS said 50 percent leave the teaching profession within five years.

[9:29:22 AM](#)

WILLIAM ERNST, Teacher, Fairbanks North Star Borough, Fairbanks, Alaska, voiced opposition to HB 162. He shared his involvement with the teacher association and with the teacher evaluation committee in Fairbanks. He said he is not in favor of extending tenure for an extra two years. He provided the history of tenure and what other states do. He maintained that delaying tenure will hinder the recruitment and retention of new teachers. He shared that young teachers are leaving the state due to the new retirement system and high medical and energy costs. Delaying tenure would be the third strike.

He said the three-year tenure period is working and provides security for teachers. He opined that having a variety of tenure policies is a disadvantage.

SENATOR HUGGINS recalled when the tenure policy was increased from two to three years. He asked how teachers reacted to that change.

MR. ERNST opined that it did not change anything and it was in line with national standards. A change from three to five years will have a negative effect. Only Missouri, Indiana, and Ohio have tenure laws past three years.

SENATOR HUGGINS said there was no flight of teachers out of state when the benefit program changed.

MR. ERNST commented on the two teacher retirement systems.

SENATOR HUGGINS did not think a change in tenure would facilitate teachers leaving. He opined that tenure is a non-event.

MR. ERNST agreed. It said it is an administrator's job to make sure teachers are competent. Extending tenure two years has no benefits. He noted tenure is a different process at the university level.

[9:41:27 AM](#)

CHAIR STEVENS said the bill will be discussed again on April 2. He set HB 162 aside.

[9:41:35 AM](#)

There being nothing further to come before the committee, Chair Stevens adjourned the Senate Education Standing Committee at 9:41 a.m.