

*Slight difference
from preceding
C.S. for
H.B. 33*

1 IN THE HOUSE BY THE COMMITTEE ON EDUCATION
2 COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 33
3 IN THE LEGISLATURE OF THE TERRITORY OF ALASKA
4 TWENTY-THIRD SESSION
5 A BILL

6 For an Act entitled: "An Act relating to procedures for the
7 notification of non-retention of teachers
8 and administrators and defining cause;
9 providing for hearings; providing for the
10 extension of the term of contract for
11 administrators; repealing Chapter 74, SLA
12 1949, and establishing an effective date."

13 BE IT ENACTED BY THE LEGISLATURE OF THE TERRITORY OF ALASKA:

14 Section 1. PROCEDURE FOR NOTIFICATION IN NON-RETENTION CASES.
15 School Boards in the several school districts of Alaska and the
16 Territorial Board of Education as the operating school board for
17 schools outside districts may hire administrators and teachers
18 regularly qualified in accordance with Territorial Board of
19 Education Rules and Regulations and issue contracts to same for
20 ensuing school year anytime after January 1, and shall notify
21 administrators and teachers of non-retention in writing postmarked
22 or delivered on or before March 15. In the case of teachers and
23 administrators employed by the Territorial Board of Education the
24 notification shall be by registered or certified mail postmarked
25 not later than midnight, March 15, and shall be issued by the
26 Commissioner of Education or his designated representative. In
27 the event that written notification of non-retention together with
28 a clear statement of cause for such non-retention is not issued
29 before March 15, the administrators' and teachers' contracts shall

1 be continued for the ensuing school year in conformity to the
2 Territorial and local salary stipulations including any annual
3 increments. Teachers and administrators who are holders of
4 temporary certificates are excluded from any rights under this
5 Act.

6 Section 2. DEFINITION OF CAUSE. The term "cause" as used
7 in Section 1 above shall be based solely upon the ability of the
8 teacher to instruct and to maintain order; or the moral behavior
9 of the teacher; or non-professional conduct; or insubordination
10 and non-cooperation; or practices inimical to the continuance of
11 the democratic system of government; or non-compliance with the
12 school laws of the Territory or such regulations of the
13 Territorial Board of Education or any other governmental agency
14 as are applicable or of the employing school district; or upon a
15 combination of any or all of these; except, that any necessary
16 reduction of staff occasioned by a decrease in school attendance
17 of the district may warrant, in the absence of any of the above
18 reasons, the non-retention of a teacher.

19 Section 3. PROVISION FOR HEARINGS, DISTRICT SCHOOLS. A
20 teacher or administrator given notification of non-retention under
21 the terms of this Act by a school district board may on or before
22 the March 25 immediately following notify the President of the
23 school district board in writing that he or she demands a hearing
24 before said school board. The teacher or administrator may in
25 the above notification request that the hearing be either public
26 or private; that he or she may be represented by counsel; and may
27 request the right and privilege of facing at such hearing any
28 person who has made allegations detrimental to his or her
29 character or which are used as a basis for any decision of the

1 heard. Upon receipt of such notification the President of the
2 school board shall immediately arrange for such a hearing, which
3 hearing shall be conducted and concluded with dispatch and shall
4 notify the teacher or administrator in writing of the date, time,
5 and place of said hearing. A written transcript or tape or
6 similar recording of the proceedings shall be kept and
7 transcribed copies furnished to the school board, the teacher or
8 administrator, and the Commissioner of Education. The final vote
9 of the Board shall be by roll call and the vote shall be recorded
10 in the Minutes of the meeting. A written notification of the
11 decision of the School board shall be furnished to the teacher or
12 administrator and the Commissioner of Education within a
13 reasonable time after a decision is rendered.

14 Section 4. PROVISION FOR APPEAL, SCHOOLS OUTSIDE DISTRICTS.
15 A teacher or administrator given notification of non-retention by
16 the Commissioner of Education under the terms of this Act may by
17 registered or certified mail postmarked not later than April 1,
18 notify the Commissioner of Education that he or she intends to
19 protest the notification and to file a written statement or reply
20 to the notification. Such written statement or reply together
21 with such supporting documents as the person desires to submit
22 shall then be submitted to the Commissioner of Education by
23 registered or certified mail postmarked not later than April 15.
24 The Commissioner of Education shall then transmit copies of the
25 letter of notification and the teacher's or administrator's
26 written statement or reply to the Territorial Board of Education
27 together with a form upon which each individual Board member
28 shall indicate his or her decision; such transmittal to the Board
29 shall be by registered or certified mail postmarked not later

1 than midnight, May 1. The Board members' decisions shall be
2 mailed to the Commissioner of Education by registered or certified
3 mail postmarked not later than midnight, May 10, or by telegraph
4 if necessary to meet the deadline. The Commissioner of Education
5 shall transmit to the teacher or administrator by registered or
6 certified mail postmarked no later than May 15, a report of the
7 Board's decision.

8 Section 5. SUPERINTENDENTS' CONTRACTS. School Boards in the
9 several school districts of Alaska or the Commissioner of
10 Education may enter into contracts with superintendents for a
11 term of service longer than one school year, but not to exceed a
12 period of three consecutive school fiscal years.

13 Section 6. TENURE REGULATIONS, PAY E. ADOPTED BY SCHOOL
14 BOARDS. Nothing in this Act shall prohibit school district boards
15 from adopting teacher tenure regulations on a district option
16 basis insofar as such regulations do not contravene Territorial
17 law or Territorial Board of Education Rules and Regulations.

18 Section 7. Chapter 74, SAA 1949, is hereby repealed.

19 Section 8. This Act shall take effect July 1, 1957.

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