

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
15 CASES. School Boards in the several school districts of Alaska
16 and the Territorial Board of Education as the operating school
17 board for schools outside districts may hire administrators and
18 teachers regularly qualified in accordance with Territorial Board
19 of 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 including a bill of particulars for
29 such non-retention is not issued before March 15, the administrators

1 and teachers' contracts shall be continued for the ensuing school
2 year in conformity to the Territorial and local salary stipu-
3 lations including any annual increments. Teachers and admini-
4 strators who are holders of temporary certificates are excluded
5 from any rights under this Act.

6 Section 2. DEFINITION OF CAUSE. The term "cause" as used
7 in Section 1 above shall be based solely upon; (a) Incompetency
8 which is defined as the inability or the unintentional or inten-
9 tional failure to perform one's legitimate duties in a satisfactory
10 manner; or (b) Immorality which is defined as conduct of the
11 person tending to bring the individual concerned or the teaching
12 profession into public disgrace or disrespect; or (c) Substantial
13 non-compliance with the school laws of the Territory or such
14 regulations of the Territorial Board of Education or any other
15 governmental agency as are applicable or of the employing school
16 district; except, that any necessary reduction of staff occasioned
17 by a decrease in school attendance of the district may warrant,
18 in the absence of any of the above reasons, the non-retention of
19 a teacher.

20 Section 3. PROVISION FOR HEARING. A teacher or adminis-
21 trator given notification of non-retention under the terms of this
22 Act by a school district board shall have the right to on or
23 before the March 25 immediately following notify the President of
24 the school district board in writing that he or she demands a
25 hearing before said school board. The teacher or administrator
26 shall have the right to demand in the above notification that:
27 the hearing be either public or private; he or she be represented
28 by counsel; and he or she have the right and privilege of facing
29 at such hearing any person who has made allegations detrimental to

1 his or her character or which are used as a basis for any decision
2 of the board. Upon receipt of such notification the President of
3 the school board shall immediately arrange for such a hearing,
4 which hearing shall be conducted and concluded with dispatch and,
5 shall notify the teacher or administrator in writing of the date,
6 time, and place of said hearing. A written transcript or tape or
7 similar recording of the proceedings shall be kept and transcribed
8 copies furnished to the school board, the teacher or administra-
9 tor, and the Commissioner of Education. The final vote of the
10 Board shall be by roll call and the vote shall be recorded in the
11 Minutes of the meeting. A written notification of the decision
12 of the school board shall be furnished to the teacher or adminis-
13 trator and the Commissioner of Education within ten days from the
14 date of the hearing. Provided, that a teacher or administrator
15 employed by the Territorial Board of Education and given notifi-
16 cation of non-retention under the terms of this Act shall have
17 the right to demand a hearing as outlined above, except that the
18 demand shall be addressed to the President of the Territorial
19 Board of Education and transmitted through the Commissioner of
20 Education. The President of the Territorial Board of Education
21 shall have the right to, and in his discretion may, appoint a
22 Special Hearing Board of at least three members to represent the
23 Territorial Board of Education in lieu of calling a Special
24 Meeting of the Territorial Board of Education. Such Special
25 Appeal Board shall include at least one member of the Territorial
26 Board of Education and two other persons not professional educators.
27 A Territorial Board of Education member shall be named Chairman
28 and shall make necessary arrangements for conducting such hearing
29 in the same manner as outlined for a school district board.

1 Section 4. SUPERINTENDENTS' CONTRACTS. School Boards in
2 the several school districts of Alaska or the Commissioner of
3 Education may enter into contracts with superintendents for a
4 term of service longer than one school year, but not to exceed a
5 period of three consecutive school fiscal years.

6 Section 5. TENURE REGULATIONS MAY BE ADOPTED BY SCHOOL
7 BOARDS. Nothing in this Act shall prohibit school district
8 boards from adopting teacher tenure regulations on a district
9 option basis insofar as such regulations do not contravene Terr-
10 itorial law or Territorial Board of Education Rules and Regula-
11 tions.

12 Section 6. Chapter 74, SLA 1949, is hereby repealed.

13 Section 7. This Act shall take effect July 1, 1957.

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