

1 IN THE SENATE

BY SENATOR BUCKALEW

2 SENATE BILL NO. 141

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIRST LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to non-retention of
7 teachers; repealing Ch. 71, SLA 1957."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 Section 1. NON-RETENTION CASES. School boards in the
10 several school districts and the Board of Education as the opera-
11 ting school board for schools outside school districts may hire
12 administrators and teachers regularly qualified in accordance
13 with the Board of Education rules and regulations and issue con-
14 tracts to them for the ensuing school year (for superintendents
15 the contract may be for more than one school year, but for no
16 more than three consecutive school fiscal years) anytime after
17 January 1, and shall notify administrators and teachers of non-
18 retention in writing post-marked or delivered on or before March
19 15. In the case of teachers and administrators employed by the
20 State Board of Education, the notification shall be by certified
21 mail post-marked not later than March 15, and shall be issued by
22 the commissioner of education or his designee. In the event that
23 written notification of non-retention, together with a clear
24 statement of cause including a bill of particulars for such non-
25 retention, is not issued before March 15, the administrators'
26 and teachers' contracts shall be continued for the ensuing school
27 year in conformity to the state and local salary stipulations
28 including any annual increments. For the purposes of this Act,
29 demotion is non-retention. If reasons for demotion are upheld,

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1 the incumbent is entitled to another professional position for
2 which he is qualified. Teachers and administrators who are
3 holders of temporary certificates are excluded from any rights
4 under this Act.

5 Sec. 2. DEFINITION OF CAUSE. a. The sole causes for non-
6 retention are as follows:

7 (1) incompetency, which is defined as the inability or
8 the unintentional or intentional failure to perform one's legiti-
9 mate duties in a satisfactory manner;

10 (2) immorality, which is defined as conduct of the per-
11 son tending to bring the individual concerned or the teaching pro-
12 fession into public disgrace or disrespect;

13 (3) substantial non-compliance with the school laws of
14 the state or such regulations of the State Board of Education or
15 any other governmental agency as are applicable or of the employ-
16 ing school district.

17 b. Any necessary reduction of staff occasioned by a decrease
18 in school attendance of the district may warrant, in the absence
19 of any of the above reasons, the non-retention of a teacher.

20 Sec. 3. HEARING. a. A teacher or administrator given noti-
21 fication of non-retention under the terms of this Act by a school
22 district board may, on or before March 25, immediately following
23 receipt of notification of non-retention, notify the president of
24 the school district board in writing that he requests a hearing
25 before said school board. The teacher or administrator may require
26 in the above notification that: the hearing be either public or
27 private; the hearing be under oath or affirmation; he be repre-
28 sented by counsel with the right of cross-examination; and he have
29 the right and privilege of subpoenaing at such hearing any person

1 who has made allegations detrimental to his or her character or
2 which are used as a basis for any decision of the board. Upon
3 receipt of a notification requesting a hearing, the president of
4 the school board shall immediately arrange for a hearing, and
5 shall notify the teacher or administrator in writing of the date,
6 time, and place of the hearing. ~~The hearing shall be conducted in~~
7 ~~accordance with the requests of the teacher or administrator and~~
8 ~~concluded with dispatch.~~ A written transcript or tape or similar
9 recording of the proceedings shall be kept and transcribed copies
10 furnished to the school board, the teacher or administrator, and
11 the commissioner of education. The final decision of the board
12 shall require a two-thirds vote. The vote shall be by roll call
13 and be recorded in the minutes of the meeting. A written notifi-
14 cation of the decision of the school board shall be furnished to
15 the teacher or administrator and the commissioner of education
16 within 10 days from the date of the decision.

17 b. A teacher or administrator employed by the Department of
18 Education, given notification of non-retention under the provi-
19 sions of this Act, may request a hearing as outlined above, except
20 that the request shall be addressed to the commissioner of educa-
21 tion. The commissioner of education and two members of the Board
22 of Education shall serve as members of the Board of Appeals for
23 teachers or administrators employed by the Department of Educa-
24 tion. *and a majority of the group shall determine.*

25 ~~Sec 4. APPEALS. a. A teacher or administrator may appeal~~
26 ~~the decision of a school board or the Board of Appeals. The~~
27 ~~appeal shall be made in writing to the commissioner of education~~
28 ~~within 20 days of the date of the original decision. The commis-~~
29 ~~sioner of education or his designee, a person chosen by the~~